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THE UNIVERSITY OF CHICAGO
THE DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
CHICAGO, ILLINOIS 60637





ARCHIVES OF MARYLAND

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

1693-1696/7

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE
Editor



BALTIMORE
MARYLAND HISTORICAL SOCIETY
1900

ARCHIVES OF MARYLAND.

The following volumes have been published :

- I.
PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1637-1664, 1883
- II.
PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666-1676, - 1884
- III.
PROCEEDINGS OF THE COUNCIL, 1636-1667, - - - - - 1885
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JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY, AUG. } 1892
29, 1775-JULY 6, 1776, }

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XV.

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JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY, JAN. }
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STATE COUNCIL, MARCH 20, 1777-MARCH 28, 1778, }

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XVIII.

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TROOPS IN THE AMERICAN REVOLUTION (*in the press*), - - - 1899

XIX.

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PREFACE.

On the death of Governor Copley in 1693, Sir Edmond Andros, then Governor of Virginia, at once seized the government of Maryland, by virtue, as he declared, of a royal commission empowering him so to do in the event of Copley's death, and the absence of Francis Nicholson, the Lieut.-Governor, who was in England. The commission, however, on being examined was found to read otherwise, making the appointment contingent on the death of Nicholson and the absence of Copley. A question as to its validity under the circumstances was raised in the Assembly, but no opposition was made to the assumption of Andros, who soon returned to Virginia, leaving Nicholas Greenberry, President of the Council, as acting Governor.

Sir Thomas Lawrence, their Majesties' Secretary for Maryland, had been impeached by Copley's administration, deprived of his offices and imprisoned, against which actions he had appealed to the Board of Trade. An order from that body was now received, declaring these proceedings illegal, and reinstating him in his offices. In May, 1694, Sir Thomas was appointed by Andros President of the Council and acting Governor.

In the summer, Nicholson came into the Province, produced his commission and assumed the government.

It is to be regretted that no biography of Nicholson has been written, and still more to be regretted that a considerable part of the slight information we have, comes from certainly hostile, and probably unscrupulous sources. The recorded facts of his life, in brief, are these :

Francis Nicholson was born, it is said, in 1660, but the place of his birth is not mentioned. In the earliest notice of him, we find him a commissioned officer in the British navy, first as ensign, and then as lieutenant. His connection with America began in 1686, when he was sent out as Lieutenant-Governor of the northern colonies, which had been consolidated under the rule of the violent and arbitrary Sir Edmond Andros, whose destiny seems to have been to carry a storm-centre with him wherever he went.

When the news of the Revolution of 1688 had reached America, Andros, who was supposed to be a partisan of James, and whose ideas of popular freedom and the sanctity of charters were James's own, was deposed by a popular uprising and thrown into prison in Boston. Nicholson, who represented him in New York, also fell under suspicion. Though he was well known to be a Protestant, his commission from a Catholic monarch was little less than the mark of the beast; and a rumor arising that he was plotting to surrender the province to the French, a revolt broke out, headed by a German named Jacob Leisler, who seized the fort and usurped the government. Nicholson, finding himself powerless to resist, sailed for England.

In 1690 he was sent out to Virginia as Lieut.-Governor—that is, really as Governor, as Lord Howard of Effingham, fortunately for the province, determined to reside for the future in England, and limit his activities to drawing his salary. Nicholson showed himself to be a governor of a different kind from his narrow-minded and rapacious chief. He had paid much attention to colonial affairs, and sent important information and valuable advice to the Privy Council. His residence in New York had opened his eyes to the far-reaching designs of the French, and the perils threatening British rule in America, and he strongly urged a union of all the colonies on the mainland in defence against Canada.

Nor was he concerned with foreign policy alone. He saw in Virginia the great need of popular education. There were practically no schools in the Province, and while wealthy planters could import private tutors for their sons, and then send them to England or the continent to finish their education, the less prosperous had to see their children grow up in ignorance. Nicholson set zealously to work to improve this state of things, both by exhortation and example. For one thing, he gave his houses and lots in Yorktown for the establishment of a free school.

More important was his coöperation with the excellent Dr. James Blair in founding William and Mary College, which was chartered in 1693, with Blair as the President, and Nicholson as the head of the Board of Trustees. Its objects were three-fold: to provide a seminary of ministers of the Gospel, to educate youth in good letters and manners, and to propagate Christianity among the Indians. Nicholson lent this noble foundation his heartiest support until his recall to England and subsequent assignment to another field of duty in Maryland.

In July, 1694, Nicholson arrived in the Province. In September he summoned an Assembly to meet at St. Maries, and at once began to impress upon the members the importance of public education. He desired the doors of knowledge to be thrown open to the poor: the rich could open them for themselves; and what he wanted was a free school in every county. Our ancestors—with all respect to their memory—were a rather close-fisted generation, and this was a proposition to take their breath away. Ten counties—ten schoolhouses to be built—ten schoolmasters to be paid!

But Nicholson was not the man to be turned from his purpose. He argued and pleaded with the Councillors and Burgesses. They would begin with one school at Severn. He would himself give more than anybody. He would pay £50 sterling out of his own pocket at once, and £25 yearly as long as he held office. He would give his one-third of all vessels forfeited for violation of the navigation acts [see p. 181]. In fine, he pushed and dragged and shamed them into liberality; and the Council and Burgesses at last loosened their purse-strings and contributed 45,000 pounds of tobacco toward building a school-house and engaging a master. Indeed they thought they saw their way clear to two free schools, one at Severn for the Western, and one at Oxford for the Eastern Shore.

Nicholson also turned his attention toward the insufficient provision for the clergy, whose condition in Maryland was, for the most part, deplorable, and urged the erection of a decent parsonage house with suitable glebe, in every parish; and with his usual liberality offered £5 sterling out of his own pocket toward building each house, and to take on himself the expense of surveying the glebes. His zeal and generosity so impressed the Lower House, that they passed an address of thanks to him, which may be read in the Assembly proceedings.

Another important act of his, in 1694, was to remove the seat of government from St. Maries to the new town on the Severn, called Anne Arundel, and afterwards Annapolis. It was a wise and indeed a necessary change. The centre of population had moved northward, and St. Maries was at the extreme southern boundary, besides being unhealthy.

In 1696 the desire of Nicholson's heart was fulfilled. An Act was passed providing for a free school at Annapolis to be called King William's School. The administration was to be vested in a Board of Trustees, with Nicholson at their head, incorporated as the Rectors,

Governors, and Trustees of the free schools of Maryland. Provision was made for its support by an export duty on furs; and whenever the yearly income from all sources should exceed £120, the overplus should go to founding another school at Oxford.

In 1698 Nicholson returned to Virginia as Governor, where one of his first acts was to transfer the capital from unhealthy Jamestown to a more salubrious site on the peninsula between the James and York rivers, where he laid out a city which he named Williamsburg. He was still disquieted at the aggressive plans of the French; and perceiving that it was not possible to induce the colonies to coöperate in any system of defence, he wrote to the English government recommending that they should all be placed under a viceroy with regal powers, and a standing army organized.

Nicholson was recalled to England in 1705, and I have not found any record of his career until 1709, when he was placed in command of a force intended to operate in conjunction with a British fleet against the French at Montreal. He began his work with great diligence, and strengthened the frontier defences, but the promised fleet failed to arrive in time and the plan was abandoned.

He then returned to England to advise as to the further prosecution of the war. The French had made firm friends of the Algonkin tribes of Indians (known in our records as "Canada Indians") and Nicholson was urgent that alliances should be maintained with their enemies, the Five Nations, or Iroquois. To enforce his arguments he took with him to England five great Sachems of the Mohawk tribe, whose appearance made a strong impression upon the Londoners, as may be seen by references in the literature of the time. Oddly enough, these Indians furnished the name of "Mohocks" to a ruffianly crew who infested the streets of London for years, and with whose outrages all who have read the literature of Anne's reign are familiar.

Nicholson was also commissioned by the Massachusetts Assembly to urge action against the French Acadians. This suggestion was carried out, a force was sent, and Acadia seized as well as Port Royal, in which latter operation Nicholson commanded, and of which he afterwards published an account.

In 1711 there were renewed operations against Canada, and Nicholson was placed at the head of all the land forces, to be assisted by a British fleet. Again the plan resulted in failure; the fleet was wrecked, and an attack upon Quebec having failed, he

could only disband his forces in the field, and devote his energies to strengthening the frontier.

In 1713 he was appointed Governor of Nova Scotia, and in 1720 he was knighted for his many and important services.

In 1719 the Proprietors of South Carolina were adjudged to have forfeited their charter, and the province was made a royal government. Maladministration had brought the colony to a sad pass: discontent was universal, the Indians were threatening the interior, the coast was infested by pirates, the Spaniards were planning an attack, and an insurrection had broken out, menacing the government. Nicholson arrived in 1721, and was received with universal demonstrations of joy. He soon quieted all discontents, cleared the coast of pirates, and made a firm alliance with the Indians. Here too he promoted the building of schools, contributing liberally from his private means, and bringing over teachers from England.

In 1725 Nicholson returned to England and never revisited America, though he retained the nominal governorship of South Carolina until his death, on March 5, 1728 (N. S.). By his will, dated a year before his death, he dedicated all his property in Virginia, New England and Pennsylvania to missionary purposes.

Dr. Bray,* in his *Memorial on the Present State of Religion on the Continent of North America*, says of Nicholson:

"The gratitude which all who are well affected to Christianity do owe, more especially the Clergy, and above all myself to that admirable Patron of Religion and Learning, Colonel Francis Nicholson, the present Governour of Virginia, forbids me to pass over in silence those glorious works which he is there carrying on with such unusual Application, and which when accomplished must render his Memory sweet to all succeeding generations."

On March 24, 1900, the Maryland Society of the Colonial Dames of

* The Rev. Thomas Bray (1656-1730) was appointed by the Bishop of London his Commissary in Maryland in 1695, though owing to a defect in the Act establishing the Church of England, he could not set out for the Province until 1699. The Maryland clergy being for the most part too poor to buy books, Dr. Bray exerted himself for the establishment of parochial libraries in the Province, and obtained subscriptions from both archbishops and a number of bishops. His first library was established in Annapolis, Queen Anne contributing liberally, and by his exertions no less than thirty-nine such libraries were founded in America in his lifetime. In all this good work he had the zealous support of Governor Nicholson. He obtained from King William in 1701 a charter for an association for the propagation of the Gospel in the plantations, and labored unremittingly in the causes of missions and education until his death.

America erected, in memory of Gov. Nicholson, in the McCoy Building, Johns Hopkins University, a tablet with this inscription :

To
 Commemorate the Liberality
 and Zeal for Learning
 of
 FRANCIS NICHOLSON
 Governor of Maryland
 By whose Exertions and Bounty
 was founded in 1696
 The first Free School in the Province

This Tablet is Erected by
 The Maryland Society
 of the
 COLONIAL DAMES OF AMERICA
 1900

To return to our Council Record :

Nicholson's dealings with the insolent and flagitious John Coode, will be found more at large in the Assembly Journal. This wretch, an apostate clergyman of profligate life and foul and blasphemous speech, had been a stirrer-up of sedition in the Province ever since Fendall's time, and was the chief ringleader in the conspiracy that seized the government in 1689.

The editor has just received, from Henry F. Thompson, Esq., the following interesting letter about Fendall and Coode, copied by Mr. Thompson from the original in the Bodleian Library, Oxford.

Letter from the Chancellor of Maryland to Col. Henry Meese Merchant in London Concerning the late Troubles in Maryland.

Colonel Meese

Yoakely being now ready to Sail, I thought it fit to acknowledge the receipt of your Letters this year ; I have only that before me, which you writ by Mr. Ambrose Sanderson, and shall for your sake, his Functions, and his own, serve him in any thing I may ; The rest of your letters I have left at home, so must defer my answer till the next Ship.

I find by the Masters of the Ships, that the Imprisonment of Capt.

Josias Fendall, and Capt. John Coode, hath made so great a noise at London; and therefore I thought it necessary to give you an account of it, as having been formerly an Inhabitant of Maryland and an Eye-witness of the carriage of Capt. Fendall in the years 1659, and 1660, when he Perfidiously broke his oath and Trust, being Governour of this Province; cancelled his Commission from the then Lord Proprietor, and took a new one from the Assembly. For that offence he was only Fin'd and declar'd incapable of ever bearing any Office in this Province, as you may remember, and that hath gaul'd him ever since; and to get into Office he now sets all his Wits to work inciting the People in Charles's County to Mutiny and Sedition; and Tampering with some of the Justices of Peace in St. Marie's County: First telling the People they were Fools to pay any Taxes (though laid by Act of Assembly) that there was Wars in England between the King and the Parliament; and that now nothing was Treason, a man might say anything; And then to the Justices hinting how easie a matter it was to overturn the Government here by seizing the Lord Proprietor, the Chancellor, Secretary and Colonel Darnall, all the rest (as he said) signifying nothing. The Justice of the Peace told him he had no Commission, and that it would be downright Rebellion. He went from him, and revealed this discourse to another Justice, who discovered this whole matter to my Lord. Shortly after this Capt. John Coode falls upon a time, at a Feast, into discourse with a Papist, who was suing a Friend of his for a piece of Land; and said, That he need not trouble himself for a piece of Land, for that no Papist in Maryland should be Owner of any Land at all in this Province within three months; for that he had ten thousand Men at his Command; and he could make it High-water or Low-water when he pleased.

After this, Coode was observed to make Visits to Fendal, which he never used to do before, and they both went over into Virginia; and within a few days after their return from thence, a Boat designed for Carolina from Maryland, was forced in by bad weather to a House in Virginia, where the Owner of the Boat heard that Fendal and Coode had been thereabouts; and that the whole discourse there was that Fendal intended to raise Mutiny in Maryland, and that he and Coode would carry their Families into Virginia. This being Sworn to, and at that very instant Information being given, that one of Capt. Coode's Servants reported, that his Master intended to remove his Family on the Thursday following into Virginia; made my Lord think it high time to look to the Security and Peace of the Province, and

therefore sent Colonel Darnal with about ten men to bring Coode and Fendal before him and the Council; Colonel Darnal came to Coode's when it was light and the Servants using to go to work opened the door, at which Colonel Darnal entered alone, leaving his Men without, and coming into Mr. Coode's Chamber, told him he was his Prisoner; Coode at first laid his hand upon his Sword, but at last yielded; after which Col. Darnal went over the River, and took Capt. Fendal also, and brought them before my Lord and Council. And the next day after, Mrs. Coode did Hector my Lord at a rate I never heard from a Woman before; by which you may conclude she was not run mad with the fright of her Husband's being pull'd out of his Bed, as we were told her son Slye falsly reports at London.

Three or four days after I saw her at St. Maries, and then I did suspect she would not continue long in her wits, knowing she had been mad awhile upon the death of her eldest son, about the year 1659 and had heard she sometimes fell into like Fits since.

After this my Lord took Bail for Coode within five days, but Fendal was kept till my Lord had secured Lieutenant George Godfrey, who laid a Plot to unhorse his Captain, and carry the Troop to the rescue of Fendal, instead of searching for the Indians, that had Murther'd some of our Planters and were daily expected to fall into Charles County, in great numbers; as they afterwards did in less than three weeks.

My Lord intends to send over their Tryals, that the World may see with how much Favour the Court proceeded, and to stop the Mouth of Calumny; so that I shall not trouble you now any further but ere I make an end, must present my own and my Wifes service to your second-self as you stile her; and so subscribe

myself Sir, Your humble Servant

Philip Calvert.

From Patuxent River-side this 29th December 1681.

Liber H. D, from which nearly the whole of the present volume is taken, presents peculiar difficulties to an editor. The scribe, while entering the sessions of the Council in regular order, had a way of recording letters, commissions, and other documents at the end of the book, under a separate paging. Many of the entries in the body of the book are quite out of place, as if the writer had got his original notes confused, and worked them in wherever he found a blank space. As far as possible these have been brought into chronological order.

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SIR EDMOND ANDROS,
Governor ad Interim.

1693-94.

Oaths of Allegiance & Abhorrency

I A: B: doe sincerely promise and swear that I will be Lib. C. B. faithful and beare true Allegiance to their Maj^{ties} King William & Queen Mary. Soe helpe me God &c^a

I A: B: do swear that I doe from my heart abhorre, detest and abjure as impious & hereticall, that damnable doctrine & position, that Princes Excommunicated or deprived by the Pope or any Authority of the See of Rome may be deposed or Murdered by their Subjects, or any other Power.

And I doe declare that noe fforreign Prince, person, prelate, State or Potentate hath or ought to have any Jurisdiction, power, superiority or Authority Ecclesiasticall or spirituall within the Kingdome of England or the Dominions therevnto belonging,

Soe help me God.

The oath of Govern^r or Comānder in Chiefe.

I A: B: do swear that I will be true and faithfull to their Maj^{ties} King William and Queen Mary their heires and Successors and their Rights and Royall Jurisdictions all and every of them in to and over this their Province of Maryland and the Islands therevnto belonging I will at all times defend & Maintain to the Utmost of my Power, and will never accept nor Execute any place, office or Employ^{ment} within the said Province any way concerning or relateing to the Govern^{ment} of the said Province from any person or Authority but by from or Under a Lawfull Authority derived or to be derived from time to time from their said Maj^{ties} their heires and Successors I will faithfully serve their Maj^{ties} as their Govern^r (or Comānder in Chiefe) of the said Province and in all other Offices Comitted to my Charge by their Maj^{ties} Comission or Comissions to me (and will willingly yield vp the said Comission & Comissions again, and all Offices, powers and Authorities Granted or to be Granted by them or any of them into the hands of their Maj^{ties} their heires and Successors or to such person or persons as they shall appoint whensoever they shall appoint me soe to doe and shall signifye the same vnto me, and will not presume to put in Execution, or attempt to Execute any office power or Authority Granted vnto me by any

Lib. C. B. of the said Commission or Commissions after that their said Maj^{ties} their heires & Successors shall Repeale them or any of them respectively and that the said Repeale be published within this Province; I will doe equall Justice to the Poore and to the Rich within this Province to my best skill Judgm^t and Power, according to the Laws and Ordinances of the said Province, and in default thereof according to my conscience & best discretion, and the power Granted or to be Granted to me by their said Maj^{ties} Commission or Commissions I will not for feare favour or affection or any other Cause lett, hinder or delay Justice to any but will truely execute the said Office and Offices respectively according to their Commission to me in that behalfe, and to the true intent and meaning thereof and not otherwise to the best of my Understanding and Judgem^t; I will not know of any attempt against their said Maj^{ties} persons their Rights or Dominion in to or over the said Province, and the people therein, but I will prevent Resist and oppose it, to the Utmost of my power, and make the same knowne with all convenient speed to their said Maj^{ties} and I will in all things from time to time as occasion shall require faithfully counsell and advise their said Maj^{ties} according to my heart and Conscience.

Soe help me God.

A Councillo^s Oath.

I A: B: do sweare that I will be true and faithfull to their Ma^{ty} King William and Queen Mary their heires and Successors and their Rights and Royall Jurisdictions all and every of them in to and over this their Province of Maryland and the Islands therevnto belonging I will at all times defend & Maintain to the Utmost of my power, and will never accept off nor Execute any place, Office or employm^t within the said Province any way concerning or relating to the Governm^t of the said Province from any person or Authority, but by from or vnder a Lawfull Authority derived or to be derived from time to time from their said Maj^{ties} their heires & Successors the peace & Welfare of the People of this Province I will ever procure as farr as I can, I will aid and assist the administering & Execution of Justice in all things to my power, to none will I denye Right for feare favour or affection, I will to my best skill and according to my heart and conscience give good & faithfull Councill to their Maj^{ties} their heires & Successors and to their Governo^r or Comander in Chiefe for the time being, when therevnto I shall be called, I will keepe secret all Matters committed or revealed vnto me, or which shall be Moved or debated secretly in Councill, and faithfully

declare my minde & opinion therein, according to my heart & conscience And if any of the said Treaties or Councils shall touch any of the privy Councillors of the Province I will not Reveale the same Unto him soe touched or concerned but will keepe the same secret, Untill such time as by the consent of their Maj^{ties} or their Governo^r or Comander in Chiefe here for the time being publication shall be made thereof I will alsoe as a Councillor and as a Justice & Commission^r for conservation of the peace of this Province doe equall Right Unto the Poore and to the Rich to the best of my Understanding & Judgem^t according to the Laws from time to time in force within this Province, and in default thereof according to my best discretion and generally in all things will doe as a ffaithfull Councillor to their said Majesties. Lib. C. B.

Soe help me God.

Oath of Clerk of the Councill.

I A: B: doe sweare that I will well and truely Execute the place and Office of Clerk of their Maj^{ties} Councill within this Province of Maryland, The Secrets thereof I will faithfully keepe & not divulge or communicate them to any without particular Lycense or leave soe to doe, a true and perfect Record I will keepe of the Proceedings thereof soe farr forth as I can Collect the same, and in all things will I act & doe as to the place & Office of Clerk of their Maj^{ties} Councill belongeth according to the best of my Judgem^t skill & Understanding.

Soe help me God.

Oath of Comissary of the Prerogative Office, the same being administered Unto M^r Kenelm Cheseldyn, before the Hon^{ble} Nicholas Greenberry Esq president of the Councill, the 4th day of Octob^r Anno 1693 and followeth in these Words.

You doe Sweare that you will Execute & performe the Office of Comissary Generall of this Province, according to the Teno^r of the Comission now granted you, and that you will administer justice to all persons, relateing to probate of Wills and Granting Administrations and in all other things belonging to your said Office according to the best of your knowledge & Understanding, and that you make or cause to be made a true and perfect faire Record of all your Proceedings in your said Office, and that you will secure and preserve the Records already committed or to be committed to yo^r Charge belonging to the said Office to the best of yo^r care and Understanding—

Soe help you God.

6 *Proceedings of the Council of Maryland, 1693-94.*

Lib. C. B. Vnderneath the said Oath was thus Written, Viz'

I doe approve of the above Oath as proper }
to be admit'ed to the Comissary Generall }
George Plater
Attorney Gen^l

October 4th 1693.

M^r Cheseldyne Sworne before me,

Nich: Greenberry

Maryland ss

Att the Citty of S^t Maries 8^{ber}
the 3^d 1693

We the Subscribers doe declare that we doe believe that
there is not aney transubstantiation in the Sacrament of the
Lords Supper or in the Elements of bread and wine, att or
After the Consecration thereof by aney pson whatsoever

E Andros
Nich: Greenberry
Char Hvtchins
David Browne
Thomas Tench
John Addison
Tho: Brooke
John Courts

p. 1. At a Councill held at the Councill Chamber at the City of
S^t Maries the 25th day of September Anno Domini 1693, in
the ffifth yeare of the Reign of our Soveraign Lord & Lady
King William & Queen Mary &c^a

Present

S ^r Thomas Laurence	}	Thomas Tench Esq ^r	}
Coll Nicholas Greenberry		Cap ^t John Addison	
Coll Charles Hutchins		Thomas Brooke Esq ^r	
Coll David Browne			

S^r Edmond
Andros
produces
Comission,
by wch he
demands
this Gov-
ernm^t

His Ex^{acie} S^r Edmond Andros alsoe appeared and
produced to the Board their Maj^{ties} Comission of the
third day of March 1691 in the ffourth yeare of their
Reign, constituteing & appointing him the said S^r
Edmond Andros, in case of the death of Cap^t fran-
cis Nicholson their Maj^{ties} Lieveten^t Governo^r and the
absence of Coll Lionell Copley their late Governo^r in Chiefe,
in and over this Province, with full power & Authority to

execute & performe all and singular the powers & directions Lib. C. B.
contained in their Maj^{ties} Royall Com^{mission} & instructions to
the said Copley, by Vertue whereof he did demand in their
Maj^{ties} Names the Govern^{mt} of this their Province and desired
the Opinion of the Board what they have to say thereunto.

Sr Edmond The Com^{mission} being Read & duely considered,
Andros
Com^{mission} they are of Opinion, and doe respectively and dis-
read tinctly declare, that the same ought to take place, and
that the Govern^{mt} of this Province doth from henceforth di-
volve vpon his Ex^{cie} the said S^r Edmond Andros, by Vertue
of the said Com^{mission}, which was Ordered to be Recorded in
the Journall of this Board, and is as follows, Viz^t

William R.

Sr Edmond William & Mary by the Grace of God King &
Andros his
Com^{mission} Queen of England, Scotland, France & Ireland defen-
ders of the ffaith &c^a To our trusty & well beloved S^r
Edmond Andros Knight our Lieveten^t & Governo^r Gen^l of our p. 2.
Colony & Dominion of Virginia in America Greeting Whereas
by our Com^{mission} under our Great Seale of England beareing
Date the 27th day of June in the third yeare of our Reign Wee
have thought fit to constitute & appoint our Trusty & well
beloved Lion^l Copley Esq^r our Cap^t Gen^l & Governo^r in
Chiefe in & over our Province & Territory of Maryland in
America: And whereas by our Com^{mission} vnder our Signet
& Signe Manuall Wee have appointed our Trusty & well be-
loved Cap^t Francis Nicholson to be our Lieveten^t Govern^r of
our said Province & Territory, Wee reposeing especiall Trust
& confidence in your Loyalty, Courage & Circumspection,
doe by these Presents constitute & appoint you the said S^r
Edmond Andros, upon the death of the said Cap^t Francis
Nicholson and in the absence of the said Coll Lionel Copley
to be Com^{mander} in Chiefe in & over our said Province &
Territory of Maryland, To have, hold, Exercise & Enjoy the
Office & place of Com^{mander} in Chiefe of our said Province
and Territory of Maryland for and dureing our pleasure, with
all the Rights, priviledges, profits & advantages to the same
belonging and appertaining in case of the death of the said
Cap^t Francis Nicholson and absence of the said Coll Lionel
Copley as afores^d with full power and authority to execute &
performe all & singular the powers & directions contained in
our said Com^{mission} to the said Coll Lionel Copley & such
instructions as Wee have already or shall hereafter from time
to time send to him, And Wee hereby Com^{mand} all & singular
our Officers, Ministers & loveing subjects of our said Province

Lib. C. B. & Territory and all others whome it may concerne to take due Notice hereof & to give their ready obedience accordingly, Given at our Court at Kensington the third day of March 1694 in the ffourth yeare of our Reign.

By his Maj^{ties} Comānd
Nottingham.

p. 3 His Ex^{acie} demanded a List of the Councello^{rs} Names according to the Kings instructions and their present Qualifications, which was delivered him.

His Ex^{acie} & Councello^{rs} sworne The Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy, together with the Oath of Comāder in Chiefe were administred to his Ex^{acie} according to forme which haveing taken he was pleased to administer the said Oaths and the Oath of a Councello^r to S^r Thomas Laurence, Coll Nehemiah Blackiston, Coll Nicholas Greenberry Coll Charles Hutchins, Coll David Browne, Thomas Tench Esq, Cap^t John Addison & Thomas Brooke Esq.

Mr LLeuellin sworne John LLeuellin sworne Clerk of the Council, and hath alsoe administred to him the afores^d Oaths appointed by Act of Parliam^t

Officers Civill & Military continued by Proclamation His Ex^{acie} was pleased, by advice of the Council, to Order that, vpon his Accession to the Governm^t Proclamation should issue for the continueing of all Officers & Ministers Civill & Military within this Province in their respective stations, Officers & places till further Orders, and requiring them accordingly to execute & performe their Duties therein.

Adjourne till to Morrow Morning 9 Clock.

September the 26th 1693: Councill Mett & satt.

Present,

His Ex^{acie} S^r Edmond Andros.

S ^r Thomas Laurence	}	Thomas Tench Esq
Coll Nehemiah Blackiston		Cap ^t John Addison
Coll Nicholas Greenberry		Thomas Brooke Esq
Coll Charles Hutchins		

Proclamacon
for continu-
ances of Of-
ficers passed
the Seale

The Proclamation for continueing of all Officers Lib C. B.
&c^a was signed by his Ex^{acie} this day in Councill,
and Ordered to pass the Great Seale and be de-
livered forthwith to the Sherriffe of St. Maries p. 4
County to Publish according to the Usual forme. The same
follows in these Words.

Maryland ss.

By his Ex^{acie} a Proclamation.

Proclama-
tion for con-
tinuance of
Officers &c^a

Whereas by the death of his Ex^{acie} Lionel Copley
Esq their Maj^{ties} late Cap^t Gen^l and Governo^r in
chiefe in & over this their Province of Maryland, and
the absence of Cap^t ffrancis Nicholson, their Maj^{ties} Lieveten-
ant Governo^r of the same, The Chiefe Com^{and} and Governm^t
of the said Province is comited to the Charge and Conduct of
me S^r Edmund Andros Kn^t (their Maj^{ties} Lievetenant & Gov-
ern^r Generall of their Colony & Dominion of Virginia) by their
Maj^{ties} Royal Com^{ission} vnder their Signet & Signe Manuall
beareing Date the third day of March 169³ in the ffourth
yeare of their Reign to me directed, with Relation to their
Maj^{ties} Com^{ission} to the said Lionel Copley made Letters
Patents, beareing Date the 27th day of June in the third yeare
of their Reign, and their Com^{ission} to the said ffrancis Nich-
olson vnder their Signet & Signe Manuall beareing date the
24th day of ffebruary in the ffourth yeare of their Reign, pro-
duced & read to and by their Maj^{ties} Councill of this Province
this day in Councill siting: I have (by & with the advice of
the said Councill, vpon my Accession to the Command &
Governm^t afores^d) thought fit to Proclame & declare, and doe
hereby publish & make knowne, that all & singular their
Maj^{ties} Magistrates, Ministers & Officers civill & Military with-
in this Province are & doe stand & Remaine continued & con-
firmed in their respective places and Offices afores^d Until
further Orders; hereby straightly Chargeing & enjoyning them
and every of them respectively to Execute & performe the
Duty of their respective places & Offices afores^d as formerly
they have or ought to have done; Willing alsoe & command-
ing all and singular their Maj^{ties} loveing Subjects of the said
Province, and all others whome it may concerne to take due
Notice hereof, and yield all ready obedience therevnto, as they
will answer the contrary at their perills, To which End I doe p. 5
straightly Charge & Command all & singular the Sherriffes of
the respective Counties of this Province to make publick Pro-
clamation hereof in the most publick & convenient places
within their respective Counties.

Given at the City of S^t Maries the 25th day of September,
Anno Domini 1693: in the ffifth yeare of the Reign of our
Soveraign Lord & Lady King William and Queen Mary.

E Andros.

Lib. C. B. God save King William & Queen Mary.

Message from the House of Burgesses to desire to know the constitution of the Govern^{mt} &c^a Came from the House of Burgesses Cap^t John Hamond, M^r Thomas Tasker, M^r William Harris, M^r Edward Jones & M^r Thomas Greenfield, they say they are com^{manded} by their house humbly to desire their Hono^{rs} to Represent to them the present constitution of the Govern^{mt} that they may know how, and to whome to applye themselves vpon all occasions, according to their former Request, and concurrence of this board therevnto.

They are dismissed to expect an Answer.

Mr Tench sent to the House &c^a His Ex^{ncie} appoints & orders M^r Thomas Tench to goe to the house of Burgesses and acquaint them that his Ex^{ncie} com^{mands} their Attendance here in the Councill Chamber forthwith.

Mr Tench Returns M^r Tench haveing accordingly delivered his Message returns from thence and takes his place at the Board.

The Speaker & rest of the Members appeare The Speaker and the rest of the Members of the house of Burgesses came & presented themselves to his Ex^{ncie}

His Ex^{ncie} Dissolves the House of Assembly To them he was pleased to declare that vpon the present Emergency of the death of the late Governo^r Copley, the King haveing com^{manded} his services here; he had in obedience therevnto vndertaken this Journey hither, that he had (by advice in Councill) thought fit by Proclamation to Continue all Officers civill & Military within this Province in their respective stations & places afores^d Untill further Orders, but vnderstanding that those Gentlemen the Representatives of the Province conveened by his Ex^{ncie} the late Governo^r Copley dec^d were now in Towne, he had sent for them at this time, to let them knowe that he did dissolve the present Generall Assembly, and the same is hereby in their Maj^{ties} Names accordingly dissolved.

Proclamations to issue to declare the Assembly dissolved. Ordered, by advice in Councill, that Proclamations be prepared to be signed by his Ex^{ncie} pass the Seale and Transmitted to the severall respective Counties of this Province to Publish, pronounce & declare the said Assembly to be dissolved.

The same being prepared & Signed, & passed the Broad

seale was transmited to the severall Counties of the Province according to Order, the tenor thereof running as follows, Viz^t Lib. C. B.

Maryland ss

By his Ex^{ncie} a Proclamation.

Proclama-
tion declare-
ing the
Assembly
dissolved

Whereas the Generall Assembly of this Province begun and held at the City of S^t Maries the Tenth day of May Anno Domini 1692 by Writ from his Ex^{ncie} the late Governo^r Lionel Copley Esq dec^d hath been by severall Prorogations & adjournm^{ts} continued to the 20th day of this instant September: And the Chiefe Command & Governm^t of this Province being now divolved vpon me S^t Edmond Andros Kn^t by the death of the said Lionel Copley and the absence of Captain Francis Nicholson their Maj^{ties} Lievetenant Governo^r of this Province, by their Maj^{ties} Royall Comission to me directed for that purpose: I doe by & with the advice of their Maj^{ties} Councill of this Province, Proclame, publish and make knowne that the said Generall Assembly is dissolved, and the same is hereby in their Maj^{ties} Names declared and pronounced accordingly to be dissolved, whereof I doe straightly Charge & Comand all & singular the respective Sherriifes of the severall & respective Counties of this Province to make publick Proclamation in the most publick & convenient places within their respective Counties afores^d for the General Information of all & singular their Maj^{ties} loveing Subjects within this Province, and to the End that all persons concerned may take due Notice thereof & conforme themselves accordingly. p. 7

Given at the City of S^t Maries the 26th day of September Anno Domini 1693 in the ffifth yeare of the Reign of our Sovereign Lord & Lady King William and Queen Mary.

E Andros.

God save King William & Queen Mary.

Kings Order
March 2d
1693 Upon
S^t Thomas
Laurence
Pet read &c

His Maj^{ties} Order in Councill March 2^d 1693 Upon S^t Thomas Laurences Petition, complaining of some hardships he lay vnder here in Relation to his Office of Secretary, and the Report of the Lords of the Committee of Trade & Plantations thereon, being produced by S^t Thomas was read and Ordered to be Recorded in the Journall of this Board, and the Contents thereof to be duely observed & complied with in all Respects, where the same is Required: To which End it was alsoe Ordered that the Booke of Laws, wherein is contained the Acts for Regulateing Ordinaries &c^a: and for settleing the Navall Officers fees to which the said Petition & Order have Relation be produced to this Board in the Afternoon.

Adjourne till then 3 Clock.

: 2 *Proceedings of the Council of Maryland, 1693-94.*

September the 26th 1693 : 3 Clock Afternoon.

Councill Mett & Satt.

Present,

His Ex^{cie} S^r Edmond Andros.

S ^r Thomas Lawrence	}	Thomas Tench Esq	}
Coll Nehemiah Blackiston		Cap ^t John Addison	
Coll Nicholas Greenberry		Thomas Brooke Esq	
Coll Charles Hutchins			

p. 3 The Booke of Laws produced, according to the foregoeing Order of this Board, and the afores^d Acts concerning the Ordinary Keepers and Navall Officers fees, read & compared with the aforementioned Order of the King & Councill vpon S^r Thomas Lawrence's petition &c^a the further debate & Result whereof Referred till to Morrow, against which time the Order of Councill August 17th 1692 concerning the Chancery Writs to be alsoe produced.

Mr Craycroft's Motion about Mr Lynes M^r John Craycroft, by M^r W^m Dent his Counsell being admitted, humbly complains & Moves this Board for Reliefe against M^r Philip Lynes, against whome he had lately recovered in the Provinciaall Court a Judgem^t for 486^{lb} st^r with Costs of Sute, and therevpon served him with an Execution for the same, vpon which he was taken into Custody of the Sherriffe of S^t Maries County, from whence he hath been illegally discharged vpon a supersedeas & Writ of Error by him surreptitiously obtained, with a designe to deterr & protract the makeing satisfaction for the Debt & Costs afores^d, And the said Craycroft haveing (vpon former application to this board) favourably obtained an Ord^r of the 25th of August last for the said Lynes to file his Error^a against the said Judgem^t within tenn dayes after the date of the said Order, and peremptorily to come to a heareing and argueing of the same here at the begining of the Assembly; The said Lynes haveing in noe wise complied therewith, the said Craycroft humbly prays the same may be dismissed this Board, and the said Lynes again remanded into custody vntill he have fully satisfied & discharged the said Judgem^t.

Commissioners of Ann Arrundell County's Motion Ordered that the same be dismissed this board. The Commissioners of Ann Arrundell County Court being Sumoned to appeare at the next Provinciaall Court to answer for a contempt alleadged to have been Comitted by them, in disobeying a Precept or Writ of habeas corpus to them directed from the Justices of the Pro-

vinciall Court at the Sute of John LLewellin, wherein they plead Lib. C. B.
ignorance and humbly submit themselves to the Clemency of
his Ex^{acie} and pray to be dismissed from their further attend-
ance at the time appointed to their great charge & detriment.

His Ex^{acie} by & with the advice of the Councill is willing to
dispencc with and they are hereby remitted from their Atten-
dance afores^d and the penalties thereby accrewing.

Adjourne till to Morrow Morning 8 Clock.

September 27th 1693: Council Mett & Satt.

Present,

His Ex^{acie} S^r Edmond Andros.

S ^r Thomas Laurence	}	Coll David Browne	}
Coll Nehemiah Blackiston		Thomas Tench Esq ^r	
Coll Nicholas Greenberry		Cap ^t John Addison	
Coll Charles Hutchins		Thomas Brooke Esq ^r	

Kings Ord^r
vpon S^r
Tho: Lau-
rence's Pet
again ta-
ken into
considera-
tion

Taken again into consideration the Order of King
& Councill vpon S^r Thomas Laurence's Petition, and
the Act concerning Ordinary Keepers Ordered to be
read, wherevpon & vpon mature deliberation, it is
Resolved that the said Act be set aside, pursueant to
the Kings Comānd, but it seeming to this board that
the immediate utter vacating thereof by Proclamation, would be
very prejudiciall to their Maj^{ties} service and the interest of the
Countrey; besides that it would not (as they conceive) fully
answer the Kings pleasure in favour of S^r Thomas: Resolved
that the publication of seting aside the said Act be at present
suspended for some time till their Maj^{ties} pleasure therein shall
be further knowne, and that in the meane time the perquisite
due for Ordinary Lycenses doe redound to the Use & benefit
of S^r Thomas Laurence their Maj^{ties} Secretary, pursueant to
the Kings Order, and not to the Governo^r as the said Act di-
rects, his Ex^{acie} haveing been pleased (Upon first the said p. 10
Order of his Maj^{ty} in Councill) to signifye to this Board his
renunciation of any pretence or Clame to the same or any part
thereof.

Report of the Lords of the Comitte of Trade & Plantations
vpon S^r Thomas Laurence Petition, together with the Kings
Order thereon, is as follows.

Lib. C. B.

At the Court at Whitehall,
the second day of March 169 $\frac{2}{3}$

Present,

The Kings most Excellent Ma^{ty}
in Council.

Report
&c^a &
Kings Ordr
vpon Sr
Thomas
Lawrence's
Pet

The R^t Hon^{ble} the Lords of the Co^mittee of Trade
& Plantations haveing humbly Reported to his
Maj^{ty} that they had considered the Petition of S^r
Thomas Laurence Secretary of Maryland complain-
ing of some hardships he lyes vnder in Relation to
his Office, and that their Lordships haveing Examined the
same, are humbly of Opinion; That as to the security deman-
ded of him for the due Execution of his Office, he doe give his
owne personall security in One thousand Pounds, and that
each of the Tenn County Clerks doe give One hundred pounds
security for the due performance of their respective places:

That the Act for Regulateing of Ordinaries, whereby the
benefit of Lycenses for Ordinaries formerly belonging to the
Secretary is Given to the Governo^r may be disallowed by
his Maj^{ty}

That the Order of the Governo^r & Council of Maryland of
the 17th of August last, by which the Chancery Writs that have
been alwayes issueable out of the Secretaries Office are
appointed to be issued out of the Chancery and the fees
thereof to be paid to the Chancello^r may be set aside and the
benefit of issueing those Writts doe remaine to the Secretary
according to the Act of Assembly That their Lordships doe
not finde Cause for any alteration in Relation to the fees of
p. 11 the Navall Officer as at present settled by an Act of Assembly,
in consideration of the trust reposed in the Governo^r for the
Execution of that Office.

His Maj^{ty} in Council is this day pleased to approve thereof
and to order, as it is hereby Ordered, that the said S^r Thomas
Laurence doe enjoy the full benefit of his Office of Secretary
of Maryland according to his Letters Patent vpon giveing his
owne personall security in One thousand Pounds; and that
each of the Tenn County Clerks doe give One hundred Pounds
security for the due performance of their respective places.
That the Act entituled an Act for Regulateing Ordinaries
passed in the Assembly held in Maryland the Tenth day of
May last & an Order of Council Dated the 17th of August
following concerning Chancery Writts be, as they are hereby,
set aside & disallowed, and that the benefit of issueing those
Writts doe remaine to the Secretary according to the Act of
Assembly

That there be noe alteration in Reference to the ffees of the Lib. C. B. Navall officer as at present settled by an Act of Assembly in Maryland in consideration of the trust reposed in the Governo^r for the due Execution of that Office, And that the severall particulars proposed in the said Report be duely complied with by all persons whome it may concerne.

William Blathwayt

Order about Chancery Writts produced Produced & read an Ord^r of this Board passed August the 17th 1692 concerning the issueing out of Chancery Writts & settleing the ffees thereof vpon the Chancello^r Resolved & Ordered in Council that the said Ord^r be quashed & wholly set aside, and that such Writts issue (as formerly) out of the Secretaries Office, and the ffees thereof Redound to the Secretary according to the Kings Ord^r afores^d

The Rangers to be considered to Morrow.

Attorney Gen^l ordered to attend & ca his Ex^{ncie} & this board to Morrow Morning Early. p. 12

Adjourne till to Morrow Morning 8 Clock.

September the 28th 1693.

Henry Denton sworn Clerk of the Council Then was Henry Denton sent for to the Council Chamber and admited Clerk of their Maj^{ties} hon^{ble} Council of Maryland, whoe vpon his admittance tooke the Oaths appointed by the late Act of Parlim^t instead of the Oaths of Allegiance & Supremacy; as alsoe the Usual Oath of Clerk of that Board; and were then present in Council,

His Ex^{ncie} S^r Edmond Andros.

S ^r Thomas Laurence	} Thomas Tench Esq	
Coll Nicholas Greenberry		Cap ^t John Addison
Coll Charles Hutchins		Thomas Booke Esq
Coll David Browne		

Then was delivered a Paper which contained a List of the Names of their Maj^{ties} Council belonging to this board, the which Paper delivered ran in the these following Words Viz^t

List of the Council delivered his Ex^{ncie} S^r Edmund Andros at his first Meeting the Council and Producing his Comission, Viz^t

S^r Thomas Laurence
Coll Henry Jowles—Suspended.
Coll Nehemiah Blackiston

Lib. C. B. Coll Nicholas Greenberry
 Coll George Robotham—in England :
 Coll Charles Hutchins
 Coll David Browne
 Thomas Tench Esq
 P. 13 Cap^t John Addison
 Capt^t John Courts—Sick.
 Thomas Brooke Esq
 M^r James ffrisby—Went for England & not sworne.
 Vnderneath the said List was thus written, Viz^t

Sworne in Councill, September the 25th 1693.

Signed

p John LLewellin Cl Concil.

It being moved in Councill the Negligence of the former Clerk in keeping noe Record of any Councill Proceedings since the Arrivall of the late Governo^r Copley in Maryland ;

Mr LLew- Ordered therevpon, by advice in Councill, that
 ellin Or- M^r John LLewellin former Clerk of this board with-
 dered to out further delay proceed vpon the said Worke, and
 perfect the Councill business of his time with all possible speed the same perfect & finish,
 which soe perfected & done he is to deliver vp imēdi-
 ately into the hands of the present Clerk, together with all
 other Councill Bookes & Papers to the said Office in any wise
 appertaining.

Adjourne till 2 Clock Afternoon.

Afternoon 2 Clock.

The Councill again Mett & Satt.

Present,

His Ex^{ce}le S^r Edmond Andros,

S ^r Thomas Laurence	} Coll David Browne	
Coll Nehemiah Blackiston		Thomas Tench Esq
Coll Nicholas Greenberry		Cap ^t John Addison
Coll Charles Hutchins		Thomas Brooke Esq

Their Maj^{ties} Letters here produced & read
 L^{ts} about relating to the assisting of New Yorke with a cer-
 New Yorke tain Quotta of Men & Money &c^t together with
 read certain Letters & Papers from the Governo^r of that
 p. 14 Colony to the said Effect, desireing alsoe this Governm^t to

appoint a Comissioner to be there on the first Wednesday of October next to Concert & agree with the other Comissioners from New England, Virginia & Pensilvania concerning the same; therevpon Moved in Councill whether anything had been done therein vpon which was made appeare by Receipt the transmitting of 300^t stⁿ thither, but that the long sickness; & death of the late Governo^r obstructed sending a Comissioner and that now it was thought impossible to send by that time. Lib. C. B.

Collectors
Ord^rd to
bring in
y^r Acc^{ts} of
the 4^d p
Gall Im-
post
Ordered, by advice in Councill, that the severall & respective Collectors bring in their Accounts re-
lateing to the 4^d p Gallon Impost or of what other
publick Money belonging to the Countrey they have
in their hands, with all possible speed, for the per-
vseall of this board,

Ordered, that the Ord^r of Councill concerning the Rangers be produced here to Morrow Morning.

Tho: Blands
Pet & Ref-
erence & ca
Upon reading a Petition of Thomas Blands for consideration to be had concerning an Information exhibited against him, to which, he set forth he was bound over to answer at the next Provinciall Court; it is the Opinion of this Board that the Pet^r is not properly relievable here, therefore is Referred to the Course of the Comon Law for his Reliefe therein.

Adjourne till to Morrow Morning 8 Clock

At the Court at Whitehall
the 28th of September 1693.

P. R. O.
Maryland
B. T., Vol. 8,
p. 121

Present the Queens most Excellent Majesty in Councill.

Whereas the Right Hon^{ble} the Lords of the Committee of Trade and Plantations by their Report dated the 15th Instant have represented to her Majesty in Councill that upon reading severall Letters from the Governor and Council of Maryland to the Committee dated the 14th of October, 21st December and 11th of April last together with Articles of Impeachment against Sir Thomas Lawrence Secretary of that Province upon which Articles the Governor and Councill of Maryland acquaint their Lordships they had committed and confined Sir Thomas Lawrence and had dismiss him from being of the Councill and Judge of the Provinciall Court. These appearing to the Committee no grounds for such proceedings although the allegation contained in the said Articles were true but

P. R. O.
Maryland
B. T., Vol. 8.

that the proceedings of the Governor and Council in this matter are illegal and arbitrary their Lordships are of opinion that the Governor and Council of Maryland be directed to give Sir Thomas Lawrence a Copy of the Articles transmitted against him and that he return his answer unto them to the end their Majestys pleasure thereupon may be known and that in the mean time Sir Thomas Lawrence be sett at Liberty and be restored to his places of Council and Judge of the Provinciall Court and that he receive no molestation or Disturbance in the enjoyment of his office of Secretary of Maryland according to his former order in Council of the second of March last. And that permission be given in Maryland to examine all persons that shall give Evidence in this matter without any hindrance or discountenance to such persons as Sir Thomas shall desire to be examined on his behalf Her Majesty in Council approving the same is this day pleased to order as it is hereby ordered accordingly That the Governor and Council of Maryland do give Sir Thomas Lawrence a Copy of the Articles transmitted against him and that he forthwith return to this board his answer in writing to the said Articles to the end their Majestys pleasure thereupon may be known and that in the mean time the said Sir Thomas Lawrence may be sett at liberty and be restored to his places as Councillor and Judge of the Provinciall Court in Maryland and that he receive no molestation or disturbance in the enjoyment of his Office of Secretary of that Province according to his Majestys order in Council of the second of March last and that permission be given in Maryland to examine all persons that shall give evidence in this matter without any hindrance or discountenance to such persons as the said Sir Thomas Lawrence shall desire to be examined on his behalf.

Lib. C. B.

September the 29th 1693.

The Council Mett and Satt.

Present,

His Ex^{cie} S^r Edmund Andros.

- | | | |
|----|--------------------------------|--|
| 1. | S ^r Thomas Laurence | } Coll David Browne
Thomas Tench Esq
Cap ^r John Addison
Thomas Brooke Esq ^r |
| 2. | Coll Nehemiah Blackiston | |
| 4. | Coll Charles Hutchins | |
| 3. | Coll Nicholas Greenberry | |

Ord^r about
the soldiers
inforted in
Charles
County

Upon reading a former Ord^r of this Board, Dated March 9th 1692, relating to Rangers, it was Moved in Council that those soldiers now inforted in Charles County for the service of the Country might have

some Ord^r from this Board for their pay at the Laying the first publick Leavy of the Province, and Ordered therevpon, by advice in Councill, that the same be Recommended to the next Generall Assembly for the paying the said Soldiers off, at the first publick Assessm^t made.

Lib. C. B.
P. 15

Ord^r about
Councill
papers &c^a It is the Opinion of this board & Ordered that M^r John LLewellin attend here at the Councill Chamber with all Papers and Orders of Councill passed since the Arrivall of Govern^r Copley, and that the same remaine with the present Clerk till further Ord^r.

Ord^r for the
Records of
the Prov^l &
Prerogative
office to be
inspected. S^r Thomas Laurence making Complaint to this Board that he has not as yet received into his Charge the Records belonging to his Office of the Provinciaall Court, by reason of the severall imperfections in the same contained, and that he is now ready to give security for the due executeing of the Trust & Charge by their Maj^{ties} here reposed in him according to the late Ord^r of their said Maj^{ties} but first is desirous & willing that his said Office be Viewed and inspected to see in what Condition the Records therevnto belonging doe at present lye; it was therevpon Ordered, by advice in Councill, that Cap^t John Addison & Thomas Tench Esq immediately Repaire to the said Office, together along with M^r Kenelm Cheseldyne, M^r Attorney Gen^l M^r Cleybourn Lomax and the Clerk of this board, where they are to View & inspect the Records thereof, as likewise the Chancery & Prerogative proceedings, and what imperfections are found therein, they are to make Returne thereof to this board to Morrow Morning; the Provinciaall Office Records to be searcht from the Date of the Secretaries Comission, and the Prerogative Office Records to be searcht from the Date of Coll Blackistons Comission.

Ord^r about
ships
sayleing
&c^a In obedience to their Maj^{ties} Commands that (during the War or eminent danger,) noe ships shall Sayle but in ffleets or vnder Convoys, and their Maj^{ties} Convoys sent with the late ffleet now lyeing at point Comfort neare the Capes, being Ordered to Returne by the 7th of November, of which Cap^t Townesend the Comandors haveing at his Arrivall given Notice; Ordered that noe ships be Cleared but to sayle with the said Convoys, and none to be otherwise cleared either afore or any after for England without further Orders, and that all ships tradeing vp the Bay repaire to the Mouth of Petuxent River, and all ships tradeing vp Potomack repaire to the Mouth of Potomack River or such other place or places as the Collectors shall direct, and

p. 16

Lib. C. B. all ships tradeing on the Easterne shore to Repaire to such place as the Collector or Collectors there shall Order & appoint for their most convenient Cleareing & sayleing as directed, And vpon their Cleareing that the severall Collectors take security of the said Masters for their sayleing to their Convoys at Point Comfort, of which the Collectors are to give present Notice to all Masters & Comanders of ships, and they and all others concerned to conforme therevnto accordingly.

September the 30th 1693.

The Councill Mett & Satt

Present,

His Ex^{ty} S^r Edmund Andros.

S ^r Thomas Laurence	}	Thomas Tench Esq ^r
Coll Nicholas Greenberry		Cap ^t John Addison
Coll Charles Hutchins		Thomas Brooke Esq ^r
Coll David Browne		

Then was read the Returne of those Gentlemen Yesterday Ordered to view the Condition the Records lay in at the State house, whoe in obedience therevnto did Returne as follows, Viz^t

p. 17 Returne
about the
Records
&c^a

Upon the pervseall of the Records of the Provinciall Office from the Arrivall of the late Governo^r Copley, Wee finde all the Proceedings of the said Office from that time Untill May Court last fairly Entered, which said Courts Proceedings, the Minutes thereof were taken by M^r LLewellen, vpon M^r Taylards being sick, and the said M^r Taylard has now promised & Engaged to compleat all the business of his time left vndone, within two Months after the next Court, ready to be delivered up to his Hon^r the Secretary.

2. Wee finde the Booke of Conveyances in the said Office fully perfected.

3. Wee finde noe Chancery Proceedings Entered since the yeare 1682, except one Decree inter Vansweringhen & Taylor, and as to any Minutes thereto belonging, M^r Taylard can give noe Account; therefore is Referred to be inquired after by the former Clerks of the Office: Viz^t M^r Grunwin & M^r Boothby.

4: Wee finde all Criminall business in M^r Boothby's time Entered vp, but all the Judgem^{ts} of his time want still to be Entered.

5: Wee finde all Judgem^{ts} in M^r Heaths time Entered, but not Alphabeted. Lib. C. B.

6: A Criminall booke taken out of the Office by Cap^t John Cood when he went for England, but not yet returned.

7: Upon pervseall of the Records belonging to the Comissaries Office, Wee finde only sixteen Wills & seaventeen Inventories Entered since the Arrivall of the Governo^r Untill this time.

8: Wee cannot make any certain Returne what business Remains in the said Office vnperfected, nor what Testamentary Proceedings have been returned from the severall Deputy Comissaries, for want of information from the Clerk of that Office, whose lyes sick.

Lastly, Wee finde the Statehouse very much out of Repaire, and that Unless some speedy Course be taken, the Records therein will be very much in danger to be damnified & spoyled; all which was humbly certified to this board, by and vnder the hands of the severall persons Ordered to View the said Statehouse & Records. p. 18

M^r Boothby & M^r Grunwin sent for to attend at two of the Clock in the Afternoon.

Impost
Money of 4^d
p Gall may
be disposed
off in the
intervalls of
Assemblies.
The Act for the Impost of flour pence p Gallon being produced & read, it was put to the Question, whether the Money thereby to be raised may in the intervalls of Assembly be applied to any of the Uses in the said Act prescribed; and it was therevpon Resolved & Ordered, by advice in Councill, that the same may be disposed off to any the Uses in the said Act mentioned.

Order to the
Secarie & ca
about the
Statehouse.
Upon the Representation & application in Councill, Ordered by advice, that the hon^{ble} the Secretary & M^r Attorney Gen^l procure some one or two able Workemen to View the State house, to see what charge will be Required for the present secureing of the Records & Magazine, and to make Report thereof with all convenient speed.

Capt
Brightwell
& soldiers
Ordered
part of their
pay.
It being Moved in Councill the Necessity Cap^t Brightwells Soldiers lay vnder for want of Provision, and Cap^t Brightwell himselfe appeareing & signifeying the same, it was therevpon Ordered, by advice in Councill, that the Soldiers vnder Cap^t Brightwells command (being in Number Nine) be paid each Man the sume of Nine pounds st^l or Three thousand pounds of Tobacco, and their said Comander the Sume of ffifteen pounds st^l or five

Lib. C. B. thousand pounds of Tob^o To be paid out of the Impost Money of 4^d p Gall; being in part of satisfaction for what is due to p. 19 the said Soldiers for their service in Potomack, Cap^t John Addison and Thomas Brooke Esqs having Undertaken here for to furnish the said Tobacco in Charles, Ann Arrundell & Calvert Counties, vpon his Ex^{ncie} drawing an Ord^r vpon their Maj^{ties} Receivers of the said Impost Duty for the afores^d Sumes of Money, amounting in the whole to the Summe of Ninety Six pounds sterling.

7 of the
Councill
Ordered
25^l st^l each
out of the
Impost
Duty. Upon application in Councill, Ordered that Coll Nicholas Greenberry, Coll Charles Hutchins, Coll David Browne, Thomas Tench Esq, Cap^t John Courts & Thomas Brooke Esqs, Members of their Maj^{ties} Councill be paid out of the Duty ariseing from the ffour pence p Gall Impost, the summe of Twenty ffive pounds st^l each.

Mr Boothby appears according to Ord^r. Mr Boothby appeareing here according to the Ord^r of this board, and being asked the Reason of his not perfecting the Records of his time in the Provinciall Office, did after excuse made, faithfully promiss that he would set about the same forthwith and perfect all business of his time left vndone.

Mr Grunwin appears according to Ord^r. Mr Grunwin being likewise called does say, that all business in his time relateing to the Provinciall Office was fully compleated, except the faire writing over one Alphabett & incerting some Bills of Cost, which he has Undertaken to finish.

Adjourne till Munday Morning.

Munday Morning, October the 2^d 1693.

The Councill Mett & Satt.

Present,

His Ex^{ncie} S^r Edmund Andros.

S ^r Thomas Laurence	} Thomas Tench Esq ^r }
Coll Nicholas Greenberry	
Coll Charles Hutchins	
Coll David Browne	
	Cap ^t John Addison }
	Thomas Brooke Esq ^r }

p. 20 Ord^r for Proceedendo to issue vpon Craycrofta Judgem^t ag^t Lynes. Vpon application made, that an Order of this board passed the 26th of September last for dismissing the Proceedings of a certain supersedeas & Writ of Error by M^r Philip Lynes brought vpon a Judgem^t obtained against him by one John Cray-

croft, the same was not full enough expressed for the obtain- Lib. C. B.
ing Execution out anew against the said Lynes; it was there-
fore further Resolved that the said Proceedings be dismissed
as afore ordered And that a Procedendo goe to the Provin-
ciall Court for Execution to issue vpon the former Judgem^t

Motion
on behalf
of the Ld
Baltimore
&c^a & Ord^r
thereon.

This Board being Moved on behalfe of the Lord
Baltemore, in relation to a Report made by M^r
Sollicito^r Gen^l before the Lords of the Comitte of
Trade & Plantations and the Kings Order thereon;

Dated 23th of febr^y 1692, it is Ordered, by advice in
Councill here that the Kings Comands touching the said
Report be fully observed, and that the said Report & Kings
Ord^r be Entered in the Journall of this Board, and likewise in
the Provinciaill Office, To the End all persons concerned may
take due Notice thereof.

Report &
Kings Ord^r
about the
14^d Tonage
&c^a

The said Report & Kings Ord^r thereon are as
follow, Viz^t

At the Court at Whitehall
the 23th of febr^y 1692.

Present,

The Kings most Excellent Maj^{ty}

Lord Arch B ^p of Canterbury	Earle of Monmouth
Lord President	Earle of Montague
Lord Great Chamberlain	Earle of Scarborough
Lord Chamberlain	Earle of Warrington
Earle of Bedford	Earle of Ranelagh
Earle of Bridgewater	Viscount Newport
Earle of Maclesfield	Viscount ffalkland
Earle of Nottingham	Lord B ^p of London
Earle of Rochester	S ^r Robert Howard
	M ^r Vice Chamberlain.

M ^r Chancell ^r of the Excheq ^r	}
Lord Cheife Justice Holt	
S ^r Edward Seymour	
S ^r Henry Goodricke	
M ^r Boscawen	

p. 21

The R^t Hono^{ble} the Lords of the Comitte for Trade &
Plantations haveing laid before his Maj^{ty} in Councill a Report
from S^r Thomas Trevor Kn^t their Majesties Sollicit^r Generall
vpon severall demands of the Lord Baltemore as Lord Propri-

Lib. C. B. etary of their Maj^{ties} Province of Maryland, which haveing been this day Read at the board as followeth, Viz^t

To the R^t Hon^{ble} the Lords of the Comm^{tee} of Trade & Plantations.

In obedience to yo^r Lordships Ord^r of Reference of the 19th of September last I have considered of the severall Demands made by my Lord Baltemore in the Province of Maryland and Represented to their Ma^{ty} by the Assembly of that Province, and I have been attended by the Lord Baltemore and his Councill; and as to his Lo^{ps} first Demand of Twelve pence p Hogshead for all Tobacco exported out of that Province, I finde the said Duty is part of a certain Duty of two shillings a Hogshead for all Tobacco exported from that Province, Granted by an act of the Assembly there, of the 7th of March 1671, One Moiety whereof is by the said Act appropriated to the publick service for the better Support of the Governmen^t; and the other Moiety (which is the Twelve pence a Hogshead now demanded by the Lord Baltemore) is thereby granted to the Lord Baltemore, to be received by him for his owne Use as Proprietor of the said Province and that the said Twelve p. 22 pence a Hogshead was by Ord^r of Councill, the 26th of febr^y 1690, directed to be answered & paid to the Lord Baltemore, as Proprietor of Maryland, and I doe not finde, that the Assembly doe much contest my Lords Right to this Duty of Twelve pence a Hogshead, in the Representation they have made to their Ma^{ty} where they say they are with their Ma^{ty} Royal Assent ready to confirme the same to his Lo^p provided his Lo^p Grant the same Conditions of Plantations, he did before the happy Revolutions; or the same, that their Maj^{ties} doe to the Colony of Virginia, to the Inhabitants of that Province; But what those Conditions are, it doth not appeare to me, otherwise than by looking into the said Act of Assembly in 1671, by which the said Duty was Granted to the Lord Baltemore, Upon condition, that his Lo^p should accept a pound of Tobacco instead & lieu of every Two pence Rent at any time reserved vpon any Grant of Land made by his Lo^p which Condition his Lo^p affirms to me, he alwaies hath and still is ready to comply with.

As to the second Demand of ffourteen pence p Ton for all Tobacco's exported out of that Province, I finde by an Act of the Assembly of that Province in 1661, it was Enacted, that all Vessells whatsoever not properly belonging to that Province haveing a Deck flush fore & aft, comeing in, and Trading within that Province, should pay for Port Duty's & Anchorage a pound of powder, and Three pounds of shot, or soe

much in Value for every Tun of Burthen, to the s^d Proprietor Lib. C. B. and his heires.

Which Duty hath by Usage been turned into Money, Viz^t ffourteen pence p Ton, and soe answered to the Lord Baltimore, and constantly applyed to his owne Use, and not to the Support of the Governm^t as the Lord Baltimore affirms to me, and by Ord^r of Councill of the 26th of ffeb^y 1690, this Duty of ffourteen pence p Ton was directed to be answered to the Lord Baltimore as Proprietor of the Province, And likewise Instructions Given Coll Copley Govern^r of Maryland to p^rmitt the Lord Baltimore or his Agents to Receive the same without any disturbance or interruption, And I conceive that Upon the Words of the Act, this Duty doth belong to my Lord Baltimore as Proprietor to be Received by him, to his owne Use ; And it would be a thing of dangerous consequence to admitt of Paroll proof of an intention in the Law makers different from the Words of Law, to say, that the Duty which the Act calls a Port Duty, was intended to be a ffort Duty ; And it seems to be admitted by the Assembly, that this Duty of ffourteen pence p Ton doth by Law now belong to the Lord Baltimore by desireing their Maj^{ties} Royall Assent to an Act to invest it in their Majesties. p. 23

As to the Demands of ffines & Amerciam^{ts} I conceive vpon pervseall of the Charter Granted by King Charles the ffirst to the Lord Baltimore, and of their Ma^{ty} Comission Granted to Coll Copley to be Governor in Cheife of that Province, that the Lord Baltimore hath not a right to the ffines & Amerciam^{ts} that have accrued since their Maj^{ties} said Comission to Coll Copley, whereby their Maj^{ties} have taken the whole Governm^t of that Province into their owne hands, Except onely ffines & Amerciam^{ts} in the Courts of any Mannor, of which the Lord Baltimore is Lord. Because I doe not finde, that ffines & Amerciam^{ts} are expresssly Granted to the Lord Baltimore by the Charter of King Charles the ffirst, soe that I conceive he never had any other Title to them, but as Governor of the Province, the Courts of Justice being held in his Name ; which Title is now determined by their Maj^{ties} Assumption of the Governm^t into their owne hands, and appointing a Govern^r there, whoe by his Comission hath Expresse Power Granted to him to Erect Courts of Judicature for the better Administration of Justice, as occasion shall require, which Courts I conceive being Erected by their Maj^{ties} Comission, must be held in their Names, and are their Courts and not the Lord Baltremores, and the ffines & Amerciam^{ts} there set will belong to their Maj^{ties} And I conceive such a Right in the Lord Baltimore to all ffines &c^a would be inconsistent with that part of their Maj^{ties} Comission to the Governor of that Province, p. 24

Lib. C. B. whereby he hath Power Granted him of Remitting & pardoning fines set vpon Offenders, according as he shall thinke them fit Objects of Mercy, which he cannot doe if the Lord Baltimore be Entitled to them.

As to the Demand of Waifes, Strays, Wilde horses & Wilde Hogs, I conceive that such Cattle as are mentioned in the Representation to be claimed as strays, are not in Law such, because they are Markt with the Marke of the Owner, which Marke being on Record, every person is obliedged to take Notice to whome they belong. And I doe not finde that wilde horses or Hogs are Granted to the Lord Baltemore by the Charter of King Charles the ffirst; And therefore I conceive the Right to them is in the Crowne as being fferae Naturâ, and the Property thereof in noe particular person, And tho there be an Act of the Assembly, which gives such Goods (to which noe Person hath a Right) to the Lord Proprietor, yet I conceive that Act cannot take away their Majties Right thereto Unless the Royall Assent had been given to such Act, which doth not appeare to me was ever obtained.

As to the last Demand, in Relation to Bills, Bonds, Records & other Writeings belonging to his Lo^p Lands: I conceive that the Bills & Bonds, if the fact be, as 'tis affirmed to me by the Lord Baltemore, that they are his Securities for the severall Summes of Money agreed to be paid his Lo^p by the Planters, vpon his Granting Land to them, and that they were in his
p. 25 custody, and Seized and taken from his Servant there, Upon his Lo^{ps} being discharged of the Governm^t. The Case being soe, I think it may be just & reasonable, that they should be Restored to his Lo^p again, and I cannot see any prejudice can thereby happen to the parties by whome such Bonds or Bills were Given, tho they have not Executed their Warrants nor had Certificates Returned; ffor the Bonds cannot be put in Suite till the Lord Baltemore hath performed the Conditions on his part.

But I conceive it proper, that the Records which are of publick Use to preserve the Inhabitants Title to their Lands should be kept Under the custody of the Governor.

All which is humbly submitted to yo^r Lo^{ps} great Wisedome
Tho: Trevor

Nov^r 2^d 1692.

His Ma^{ty} was pleased to approve of the said Report, and did Order, as it is hereby Ordered, That the Act lately passed in Maryland for the ffourteen pence Tonnage Be, and it is hereby set aside & disallowed And that the Lord Baltemore

be permitted without any disturbance or Interruption, to Collect & Receive, by such person or persons as he shall thereunto Authorize & appoint, the said Duty of fourteen pence p Ton for Port Duty's or Anchorage, for his owne Use, of Right belonging to him by Law, as Lord Proprietor of the said Province, and as well Coll Copley their Ma^{ty} present Govern^r as the Lord Baltemore, and all others whom it may concerne, are to take Notice of his Ma^{ty} pleasure hereby signified, and to Comply with the severall particulars of the said Report.

Lib. C. B.

John Nicholas.

Comission
Ordered for
Mr Chesel-
dyne to be
Comissary
&c

Vpon advice in Councill, Ordered, that a Comission be forthwith prepared for M^r Kenelin Cheseldyne to be Comissary of the Prerogative Office.

Motion
about Sr
Thomas
Laurence
Suspension

A Member of Council intimateing a former suspension of S^r Thomas Laurence, and severall papers & Letters to that purpose being produced and read, one paper whereof being said to be his Comittm^t to

p. 26

the Sherriffe of Charles County where its said he was to Remain vntill further Ord^r or should otherwise be disposed off by this Board; Upon consideration of the whole Matter,

Sr Thomas
not to be re-
manded to
prison nor
excluded
from the
Councill

it is the opinion of this board that the said S^r Thomas be not remanded to Prison nor excluded from the Councill, Untill further Order from their Maj^{ties} he haveing since been admited and sworne; but the said S^r Thomas Laurence being very sick & indisposed in body does therefore desire to be Excused from his presideing or attendance at this Board and Coll Blackiston being likewise very sick soe that he cannot attend; it is therefore the opinion of the Councill & Ordered, that Coll Greenberry, in the absence of his Ex^{cy} preside till his Ex^{cies} Returne, or Untill their Maj^{ties} pleasure be further knowne.

Sr Thomas
desires to be
excused from
presideing or
attending at
the board

Coll Green-
berry (in the
absence of
his Ex^{cy}) to
preside in
Councill

Whereas severall Councill Papers have been here produced, some whereof have been read, and finding them all to lay in loose Papers, and that never any Record of any thing has been kept since the Arrivall of Govern^r Copley it is therefore Ordered that the said Papers lye lodged with the present Clerk of the Councill, as they are, Untill further Order from this Board.

Then passed the Board the following Orders and Warrants signed by his Ex^{cy} Viz^t

Lib. C. B. Ord^r to pay M^r George Plater

96^l st^l to
Mr Addison & Mr Brooke Pay Unto Thomas Brooke and John Addison or
their Orders the Summe of Ninety six pounds st^l out
of their Maj^{ties} Duty or Impost of flour pence p Gall on Liquo^{rs}
imported according to Act of Assembly within your
District, being soe much awarded them by advice of their
p. 27 Maj^{ties} Councill here, Being for Thirty Two thousand pounds of
Tobacco the said Brooke & Addison is to pay to Cap^t Richard
Brightwell and his Men in part of their pay; also ffifty pounds
st^l more Ordered them the said Brooke & said Addison, being
awarded them by advice of their Maj^{ties} Councill, as Councillors^{rs}
in part of their allowance; and for soe doing this with their
Receipts shall be your Warrant and discharge for soe much,
Given vnder my hand at the City of S^t Maries this 2^d day of
October, Anno Domini 1693. E. Andros.

To George Plater Esq their Maj^{ties}
Collector & Receiver of the 4^d p Gall
Impost Money within Petuxant Dis-
trict }

These

Ord^r to pay M^r Plater

25^l st^l to
Mr. Tench Pay vnto Thomas Tench one of their Maj^{ties} Coun-
cill or Ord^r the Summe of Twenty ffive pounds st^l out
of their Maj^{ties} Duty or Impost of flour pence p Gall on Liquo^{rs}
imported according to Act of Assembly within your District,
being soe much awarded by the advice of the Councill here in
part of his Sallary, for soe doeing this with his Receipt shall
be your Warrant & discharge for soe much, given vnder my
hand at the City of S^t Maries this 2^d day of October 1693.

E. Andros.

To George Plater Esq their Maj^{ties}
Collector & Receiver of the 4^d p Gall
Impost Money within Petuxant District }

These

Ord^r to pay M^r Plater

Greenberry
25^l st^l Pay vnto Nicholas Greenberry Esq one of their
Maj^{ties} Councill or Ord^r the summe of Twenty ffive
pounds st^l out of their Maj^{ties} Duty or Impost of flour pence
p. 28 p Gall on Liquo^{rs} imported according to Act of Assembly
within your District soe much being awarded him by advice
of their Maj^{ties} Councill here in part of his Sallary, for soe
doeing this with his Receipt shall be your Warrant and dis-
charge for soe much, Given under my hand, at the City of
S^t Maries this 2^d day of Octob^r Anno Dni 1693.

E Andros

To George Plater Esq their Maj^{ties}
Collector & Receiver of the 4^d p Gall }
Impost Money within Petuxant District }
These.

Lib. C. B.

Ord^r to pay M^r Plater
25^l st^rl to M^r
Courts.

Pay Unto John Courts, one of their Maj^{ties} Coun-
cilloⁿ or Ord^r the Sum^e of Twenty five pounds st^r
out of their Maj^{ties} Duty of ffour pence p Gall on Liquoⁿ
imported according to Act of Assembly within your District,
being soe much awarded him by their Maj^{ties} Council here in
part his allowance as Councillo^r And for soe doing this with
his Receipt shall be your Warrant & Discharge for soe much;
Given vnder my hand at the City of S^t Maries this 2^d day of
Octob^r Anno Domini 1693. E Andros.

To George Plater Esq their Maj^{ties}
Collector & Receiver of the 4^d p Gall }
Impost Money within Petuxant District }
These.

Maryland ss: at S^t Maries.

Ord^r to pay Maj^r King
25^l st^rl to
Coll Brown

Pay vnto David Brown of Somerset County Upon
Acco^t as one of their Maj^{ties} Council or to his Order
the Sum^e of Twenty ffive p^d st^rl out of their Ma^{ties} Duty or
Impost of ffour pence p Gall on Liquoⁿ imported according to
Act of Assembly within your District, being soe much awarded
him by advice of their Maj^{ties} Council here, and for soe doing
this shall with his Receipt be your Warrant and discharge for
soe much; Given vnder my hand this 2^d day of October,
Anno Domini 1693

To Robert King Esq^r their Maj^{ties}
Collector & Receiver of the ffour pence
p Gall Impost Money within Pocomoke }
District }

E Andros.

These.

At S^t Maries in Maryland ss:

Ord^r to pay Maj^r King
25^l st^rl to
Coll

Pay Unto Charles Hutchins of Dorchest^r County,
Hutchins. Upon Account as one of their Maj^{ties} Council or to
his Ord^r the Sum^e of Twenty ffive pounds st^rl out of their
Maj^{ties} Duty or Impost of ffour pence p Gall on Liquoⁿ
imported according to Act of Assembly within yo^r District, p. 29

Lib. C. B. being soe much awarded him by advice of their Maj^{ties} Council here, And for soe doing this shall with his Receipt be yo^r Warrant & discharge for soe much; Given vnder my hand this 2^d day of Octob^r Anno 1693. E Andros

To Rob^t King Esq^r their Maj^{ties} }
Collector & Receiver of the 4^d p Gall }
Impost money within Pocomoke District }
These.

Octob^r the 3^d 1693.

The Councill Mett & Satt

Present

His Ex^{cy} S^r Edmund Andros.

Coll Nicholas Greenberry } Thomas Tench Esq^r }
Coll Charles Hutchins } Cap^t John Addison }
Coll David Browne } Thomas Brooke Esq^r }

Coll Black- Upon signing a new Comission for the Prov^{ll}
iston Sus- Court which here this day passed the Board Seale,
pended from it being Moved in Councill whether the continueing
siting in of Coll Blackiston, in the absence of his Ex^{ncle} might
Councill &c. not occasion Disputes, and it was Resolved by the whole
p. 30 Board that it would be to their Maj^{ties} Service & quiet of the
Countrey that the s^d Coll Blackiston were suspended and
therevpon his Ex^{cy} did in their Maj^{ties} Names declare the
said Coll Blackiston suspended from further siting Voteing or
assisting in their Maj^{ties} Councill here.

Mr Chesel- Mr Cheseldyne being called in received his Com-
dyn receives ission for being Commissary Gen^{ll} this day passed the
his Comis- Broad Seale.
saries Comis-
sion

Then likewise passed the Seale the Proclamation
Yesterday Ordered to be drawne vp, being signed by his
Ex^{cy} & was as followeth Viz.

By his Excellency.

Maryland ss: A Proclamation.

Proclama- Whereas by a former Proclamation beareing Date
tion signi- the 25th day of September last past amongst other
fyeing the things therein contained it was made & knowne
constitution and published that the Comand & Charge of this
of the Governmt their Ma^{ty} Province was by the death of the late
in his Governo^r Copley and absence of Cap^t Francis Nich-
Ex^{ncies} ab- olson comitted vnto me, with full power & Authority
sence

to execute & performe all & singular the Powers & directions Lib. C. B.
contained in their Maj^{ties} Comission to the said Govern^r Cop-
ley in which said Comission their Maj^{ties} have been pleased to
signifye their Will & pleasure that in Case of the death or
absence of such Govern^r and noe other person Comissioned to
be Comander in Cheife of this their Province that then the
Councill of Maryland should take vpon them the Administra-
tion of the Governm^t and Executeing the said Comission and
the severall Powers & Authorities therein contained, And that
such Councill^r whoe should be at the time of the death or ab-
sence of the said Govern^r from this Governm^t resideing with-
in this their Maj^{ties} Province and Dominion before any other
at that time resideing here, doe Preside in the said Councill
with such Powers & preheminences as any former President p. 31
hath Used & Enjoyed within the said Province or any other
their Plantations in America, Untill the Arrivall of such Gov-
erno^r or their Maj^{ties} pleasure should be further knowne there-
in And forasmuch as their Ma^{ties} have been pleased to Comand
my present Service in their Colony of Virginia, and at present
there being noe other person, vpon this place comissionated to
be Comander in Cheife of this their Province & Dominion,
Pursueant therefore to their Maj^{ties} Comission to me directed
I doe (by advice in Councill) in their Maj^{ties} Names by this
Proclamation, Notify and make knowne the administration of
the Governm^t and the Execution of the s^d Comission, and the
severall Powers and Authorities therein Contained (for &
during my absence) or their Maj^{ties} pleasure further knowne,
to be in the Councill of this their Maj^{ties} Province & Dominion,
and the Hon^{ble} Nicholas Greenberry Esq to preside therein,
Untill my Returne or further Ord^{rs} of all which I doe hereby
Require & comand all their Maj^{ties} Officers both civill & Mil-
itary within this their Dominion and all other persons what-
soever to take Notice & conforme themselves accordingly as
they & every of them will answer the contrary at their Utmost
perills; Given at the City of S^t Maries the third day of October
Anno Dni 1693 in the ffifth yeare of the Reign of our
Soveraign Lord & Lady King William & Queen Mary.

E Andros

God save King W^m & Queen Mary

Proclamation Prepared by
me, George Plater
Att Generall

Afterwards was the following Test subscribed to in manner
following Viz^t

Lib. C. B.

At the City of St Maries Octob^r the 3^d 1693

Maryland
Test sub-
scribed to
by his
Excy &ca

Wee the Subscribers doe declare that wee doe believe that there is not any Transubstantiation in the Sacram^t of the Lords Supper, or in the Elements of bread & wine, at or after the consecration thereof by any pson whatsoever

E Andros

Nich: Greenberry

{ Char Hutchins } John Addison
{ David Browne } Tho: Brooke
{ Thomas Tench }

p. 32 At a Councill held at the Councill Chamber, in the City of St Maries the 14th day of Octob^r 1693, in the ffifth yeare of the Reign of our Sovereign Lord & Lady King William and Queen Mary &c^a

Present

The Hon^{ble} Coll Nicholas Greenberry president.

Coll Charles Hutchins } Tho: Tench Esq }
Coll David Browne } Cap^t John Addison }

Clk of the
Councill
ffees settled
&c^a

Vpon Application made by the Clerk of this Board humbly desireing consideration might be had for ascertaining his Sallary & ffees; Ordered therevpon by advice in Councill, that the same ffees be allowed the s^d Clerk as were formerly assessed & settled by this Board. And that the standing Sallary be respited, till his Ex^{cies} Returne, for further consideration.

Mr L. Lewell-
ins Motion
& Ordr p
Delivery of
some paps
to him &c.

M^r L. Lewellin humbly addressing himselfe for the Delivery of severall private Papers which lay lodged among those Councill papers lately delivered by him to the present Clerk of this board, intimateing that the same were such as noething Related to or concerned any Publick affaires or this Hon^{ble} Councill, Ordered by advice in Councill, that the same be delivered accordingly and before delivery inspected by the Clerk of this Board, to the End he may take cognizance that the same did never properly lye before this board.

Sr Tho
Laurence's
Motion &
Ordr about
Transcripts
&c sending
for England

S^r Thomas Laurence (by M^r Attorney Gen^l) pro-
duceing to this Board the Kings Order for his trans-
mitting all Acts of State, Publick Ordⁿ and Journalls
of the Councill &c^a together with Duplicates of the
same, for England being desirious to know the Opin-

ion & Result of this board in Relation thereto; Viz^t whether the Clerk of the Council were obliged to make all such Transcripts & Duplicates of his Journall ex officio or noe; and it was therevpon Resolved & Ordered by advice in Council That all Transcripts (soe to be provided according to the Kings Instructions by the Secretary) be transcribed & Coppyed out from time to time by the Clerk of this board, when Required, and vpon due notice vnto him Given by the s^d Secretary; which Transcripts soe made are by the said Clerk to be delivered vnto his Hono^r the Secretary close Sealed vp ready for his transmitting the same for England; the said Secretary paying & allowing Unto the said Clerk his accustomed ffees due, and by this board here Settled vpon him, for all Coppyes & Transcripts soe made & delivered.

Produced at this Board Copy of a blanck Warrant which was Given by Coll Darnall & M^r Smith as a president to William Nuthead the Printer in order to print a certain Number of the same, for their Use, the Teno^r whereof followed in these words, Viz^t

Maryland ss:

Lay out for

Copy of Coll Darnalls blanck Warrant given the Printer to print &c^s in any part of this Province not formerly laid out for any other person, nor Reserved for his Lordships Use, And Returne yo^r Certificate of Survey thereof with the Name of the place in what County it lyeth, and of what Manno^r to be holden into the

Office by the day of next and for your soe doeing this shall be your Warrant Given vnder the Lesser Seale of our said Province this day of

Annoq Domini one thousand six hundred Ninety

To Surveyor Generall or to his deputy

These

On the back of the aboves^d Warrant was taken the following Deposition, Viz^t

Printers Deposition of Coll Darnall & M^r Smith

Octob^r 14th 1693.

The Deposition of William Nuthead of S^t Maries City Printer Aged Thirty Nine years or thereabouts.

This Depon^t saith that Coll Darnall & M^r Richard Smith comeing to this Depon^t house on the 6th of this instant month would have had him to have printed the within written blank Warrant to the Number of ffive hundred, to be done immediately out of hand, and that this Deponent did promiss to finish the same by Twelve of the Clock the next day if in case this Depon^t had the assistance of a Joyner, which said Joyner did the Wooden Worke and was paid for the same in Money;

Lib. C. B. afterwards the said Coll Darnall & M^r Richard Smith came again to this Depon^u house and Required him to performe his promiss, to which this Depon^t made Answer that the Press & Letters were none of his and therefore could not comply therewith without Order, and that the said Coll Darnall & M^r Smith were pressing & Urgent for this Depon^u printing the said Warrants, but this Deponent did not print the same, and further saith not.

Sworne to in Councill the day & yeare above written
H Denton Cl Concil

Printer Or- Wherevpon it was Ordered by advice in Councill,
dered to de- that the Printer hereafter presume to print noething
sist from
printing any but blank bills & Bonds, without leave from his
thing but
Bills & Ex^{cy} or the further Order of this Board.
Bonds

Ord^r for Whereas Information hath been made to this
Surveyors Board by M^r Edward Batson of Calvert County that
appointed M^r Richard Smith of the said County hath Nominated
by the Gov- & appointed severall Roman Catholiques to be
ernmt to
continue till Deputy Surveyo^r in severall of the Counties within
further Ord^r this Province, Under pretence of an Authority to him Granted
from the Lord Baltemore to be Surveyo^r Gen^l And whereas
Cap^t John Addison one of the Members of this board hath
likewise Represented that the said M^r Smith hath actually
placed & put in one Charles Brooke of Charles County and
that he designed to put in one Richard Edelen of S^t Maries
p. 35 County both knowne Papists, to be Deputy Survey^r in the
said Counties; And further whereas the said Cap^t Addison
did likewise here informe that he heard the said M^r Smith in
publick company declare that those persons that would not
take his word for the Power which he pretended to have, he
would never give them other satisfaction Ordered therevpon
by advice in Councill and it is hereby Ordered that the severall
Surveyo^r already constituted & appointed by the Govern^t
doe still continue acting in their said Stations & places pur-
sueant to his Ex^{acie} Proclamation for the continuance of all
Officers Civill & Military within this Province, Untill further
Ord^r And that noe other person or persons presume to Act by
Vertue of any other Comission to them Granted save onely
such as have been constituted & appointed by the Govern^t
as afores^d And that a Copy of this Ord^r be sent to each
Surveyo^r soe appointed, To the End all persons concerned
may take due Notice thereof.

His Hono^r the Secretaries Returne about the State house Lib. C. B.
Read was as followeth Viz^t

S^t Maries October 13th 1693

Secretaries
Ret about
the State
house According to a late Order of Council to me
directed to View the Condition of the State house in
company of a Workeman and to returne a Certificate
of an Estimate how the Offices & Records and Amunition
may be secured this Winter; I have Yesterday together with
M^r Cheseldyn & Richard Benton brick layer viewed the said
State house and doe finde his Utmost Demands for shoreing
vp the Walls which leane out on each side the Staire case and
repaireing the tileing of the Secretaries & Co^missaries Offices
pointing the Windows and bricking vp the Windows of the
Upper loft where it rains into the Powder Roome will not
amount to above Six thousand of Tobacco and that he will p. 36
prepare all Materialls within Ten or Twelve days to goe about
the same if the Weather be favourable

Certified by me,
Tho: Laurence

Directed to the Hon^{ble}
Coll Greenberry & the Gentlemen of the Council

Ordered that the Reparation thereof be pursued accord-
ingly, and that the Workemen be paid their Tobacco in this
County, at the laying the Publick Leavye.

S^r Tho:
Laurence
Representa-
tion abt M^r
Llewellyn &
Ord^{rs}
thereon S^t Thomas Laurence Representeth vnto this
Board the Neglect of M^r John Llewellyn in his
duty dureing the time he officiated as Clerk of Tal-
bot County Court seting forth his omission as to
the Entrye of most of that Courts Proceedings in
his time taken, to the great prejudice and damage
of the Suiters thither comeing, and that he Understood the s^d
Llewellyn was vpon goeing for England, therefore desired that
(as the said County Records were part of the trust Reposed
in him by their Maj^{ties} as Secretary and forasmuch as he had
rec^d severall Complaints from the inhabitants of that County
in relation to the premisses) the said LLeuwellyn might be called
before this Board and caused to give security for his speedy
compleating the said County Records together with the Land
Office Records, and that the same might by the said LLeuw-
ellyn be finished and delivered vp before he goes for England.
And the said S^t Thomas further set forth that whereas the
said LLeuwellyn had by a Co^mission from the late Govern^r
officiated as Notary Publick whereby not onely the Rights of

Lib. C. B. his office have been Encroached vpon but likewise his Maj^{ties} Patent apparently infringed; prays that this board would please to Order him to desist for the future from the Execution of any matter relateing to the said Office, that thereby all
 p. 37 persons haveing occasion for any thing the performance whereof appertains to the same may Repaire to him: Wherevpon M^r LLeuellin being sent for and appeareing to the afores^d complaint which was read vnto him, he faithfully promissed that he would not depart the Province Untill he had finished & perfected the Records of Talbot County & Land Office soe farr as the same have been vnder his charge; and as to his desisting from officiating the Notary Publicks place, it is the Opinion of this board (whereas M^r LLeuellin had received a Comission for the same from the late Govern^r Copley and that all officers Civill & Military have since by his Ex^{cies} Proclamation been continued Untill further Order; and forasmuch as noe other Ord^r from their Maj^{ties} for settleing the said Office does appeare to this Board) that the said M^r LLeuellin continue acting (by Vertue of his said Comission) in the said Office of Notary publick, according to the intent of the said Proclamation, Untill further Order.

Then was Read the Two following Petitions, Viz'

To the Hon^{ble} Nicholas Greenberry Esq^r President, and the rest of their Ma^{ty} Hon^{ble} Council of Maryland.

The humble Petition of W^m Dent of Charles County Gent.

Humbly
 Sheweth M^r
 W^m Dents
 Pet. That your Pet^r haveing sent for a parcell of Indian Goods, which are now arrived, and being desirous to carrye on a small Trade with the Indians,
 Humbly prays yo^r Hon^{rs} Lycense soe to doe.
 And as in duty bound he shall ever pray &c^a

To the Hon^{ble} Nicholas Greenberry Esq^r president, and their Maj^{ties} Council of Maryland.

Capt Jno
 Addison's
 Petition John Addison Esq^r one of their Maj^{ties} said Council Representeth to yo^r Hon^{rs} that haveing a Quantity of Indian Goods by him & dwelling neare the Indians in Charles County, and being desirous to have a
 p. 38 Trade with them, Prays yo^r Hon^{rs} Lycense soe to doe
 And he shall pray &c^a

Ord^r for
 Capt Addi-
 son & M^r
 Dent to have
 Lycense to
 Trade with
 Indians The which being Read, it was Ordered by advice of M^r Attorney Gen^l in Council, that the said Cap^t John Addison & M^r William Dent have Lycense granted them according as they have before prayed.

Power given
to Geo: Pla-
ter Esqr to
press horse
or man &c
vpon sud-
dain Emer-
gencies

Moved by a Member of this board that care be taken for appointing some certain person for sending away dispatches vpon Suddain Emergencies or Receipt of Publick Packetts &c^a: Ordered therevpon, by advice in Councill, that George Plater Esq have hereby full power to press any Boate, horse or man vpon Suddain Emergencies as afores^d for sending away dispatches accordingly, to which all persons concerned are to give due obedience as they will answere the contrary.

Lib. C. B.

Abstract of
Coll Dar-
nalls Letter
abt Land
Affaires &c^a

Read a Letter from Coll Darnall seting forth his Instructions rec^d from the Lord Baltemore for opening the Land Office, and vpon the same Conditions of Plantation as before the Revolution, intimateing that the Seale formerly made Use off for Sealeing Warrants for Land was now in the possession of M^r John LLewellin, and therefore prayed that the same might be delivered him, and lastly therein prayed Access for himselfe or M^r Richard Smith, his Lordships Surveyo^r Generall, to the Records of the Land Office, as alsoe Coppy of his Lordships Conditions of Plantation from off the Councill Booke without paying accustomed ffees due.

S^r Tho:
Laurences
Representa-
tion abt Coll
Darnall &c^a
& Ld Office

Afterwards was read a Representation from S^r Thomas Laurence seting forth Coll Darnalls Designe of Erecting a new Office for Granting Warrants & Patents for Land by a Comission from the Lord Baltemore, intending all such instruments should pass vnder the said Lords Great & Lesser Seale of his Province, by him soe termed, in derogation to their Maj^{ties} Authority here & the open invasion of the Right of the said S^r Thomas, through whose Office all Land Affaires have alwaies passed & still ought to pass, as by the ffees thereof by the late Act of Assembly may appeare; And further vpon the said S^r Thomas's Representing that the said Coll Darnall does alsoe Claime Access to the Records of the Land Office from time to time, as he shall require, without ffee or Reward; to which praying that a stop to such illegall Proceedings & Demands might be put: Upon the whole matter it is the Opinion of this board that the Land Office now is in the Right of the said S^r Thomas, their Ma^{ty} Secretary of this Province and that all Warrants for Land have Usually issued out of the said Office Under their Maj^{ties} Lesser Seale of the said Province and therefore Ordered, by advice in Councill, that noe Warrant for Land issue, but under their said Maj^{ties} Lesser Seale now in the custody of the Secretary, and that noe person have

p. 39

Opinion &
Ordr abt
the afore-
mentioned
Letter and
Representa-
tion

Lib. C. B. any Recourse to the Records of the Land Office but by the proper Officer therevnto appointed, paying the accustomed fees by Law Established for all Coppyes & searches there had.

Mr Watkins & Ux: pet
& Ord^r abt
Abingtons
Arreares of
ffees &c^a Sam^l Watkins & Anne his wife Executrix of the last will and Testament of Andrew Abington late Sherriffe of Calvert County dec^d humbly petition this board that Execution may issue in the s^d County, for Arreares of the ffees due to the said Petition^r as Executo^r afores^d And,
it is Granted them & Ordered Accordingly.

ffra: Arme- Certificate of Resurvey belonging to ffra: Arme-
strong's Cer- strong for two Tracts of Land Called Tilghmans
tificat of Re- fortune & London Derry being directed to this
sur. trans- board, was Ordered to be Transmitted to the Land
mitted to the
Ld Office board, was Ordered to be Recorded.

p. 40 Thomas Martin Pet
& Ord^r for
Warrt of
Resurvey
&c^a Thomas Martin of Talbot County humbly sets forth to this board that he is in possession of a certain Tract of Land next adjoyneing vpon a Tract formerly belonging to Richard Gorsuch of the said County dec^d lyeing vpon the Divideing Creeke running out of Armestrongs Bay in Choptanck River in the said County Begining at the said Gorsuch Northermost bounded Tree being a red Oake marked with ffour Notches both said Tracts being parcells sold out of a Greater Tract called Thredere LLoyd, and are buted and bounded as by the Certificates thereof remaining vpon Record among the Conveyances of the said County Court may more at large appeare— That he has for these severall years been molested & troubled by the possessorss of the afores^d Tract of Land of Gorsuch by trespassing (as he conceives) within his Bounds; therefore humbly prays speciall Warrant may issue directed to the Surveyo^r of that County for the Resurveying of that aforementioned Tract of Land of Gorsuch by a Jurye of Twelve Men of the Neighbourhood for that End & purpose to be summoned & sworne (as in such Case is Usual) according to the Antient Meets & Bounds thereof, whereby he may finde out the true Divisionall Line betwixt them, and that (if need shall Require) he might likewise Resurvey his owne Land, after the runing forth of the other.

Wherevpon it was Ordered, by advice in Councill, as it is hereby Ordered, that speciall Warrant issue according to the prayer of the Petition^r And that the present possesso^r of the

said Land of Gorsuch have Notice Given to be present at Lib. C. B.
the sad Resurvey.

ffeb^{ry} the 8th 1693

John Courts Esq^r sworn Councillor & subscribed to the Test. The Hon^{ble} John Courts Esq^r tooke the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy as likewise Oaths of Councillo^s before the hon^{ble} Nicholas Greenberry Esq^r President & did at the same time likewise subscribe to the Test.

At a Councill held at Battle Towne in Calvert County the p. 41
13th day of ffeb^{ry} in the Evening, in the fifth yeare of the
Reign of our Sovereign Lord & Lady W^m & Mary King &
Queen of England &c^a Annoq Domini 1693

Present

The Hon^{ble} Nicholas Greenberry Esq^r President

Thomas Tench Esq^r } John Courts } Esq^r
John Addison Esq^r } Thomas Brooke }

Governor of New Yorkes Letters of the 8th & 11th of Jan^{ry} 93. Read Produced & Read a couple of Letters of the Eighth & eleventh of Jan^{ry} last, sent by an Express from the Governo^r of New Yorke, signifyeing the Protest of certain Bills of Exchange drawne by the late Governo^r Copley to the Summe of 362^l 08^s 00^d being thither Remitted towards the assistance of that place; thereby requiring new Bills for the same as alsoe Answer what further assistance they may expect hence by the first of May next. The which being Read as likewise their Maj^{ties} Ord^r of the first of March last formerly at this board produced & after some time spent in debateing the same they adjourne Untill to Morrow Morning for their full Result & Answer to be given in the Premisses.

Wednesday Morning ffeb^{ry} 24th 1693, being the Sixth yeare
of their Maj^{ties} Reign &c^a

The Councill again sat & were p^sent as yesterday

Governor of New Yorkes Letters again taken into consideration This Board again take into consideration the Gov- p. 42
erno^r of New Yorkes Letters last night here Read
& produced, and after a second Debate & consulta-
tion about the same had, it is the Opinion of this
Board that they cannot properly at present remitt any Money,
to that Governm^t vntill Instructions given by his Excellency

Lib. C. B. S^r Edmund Andros, and therefore Resolved that an Express be forthwith sent to his Ex^{ncy} in Order thereto to know his Ex^{ncies} pleasure therein and that a Letter be sent to the Govern^r of New Yorke to signifye to him, that at present they cannot give any further Answer but will by Express send by or before the first of May next.

Mr Parkers
Pet read &
Referred
&ca The humble Petition of William Parker read, desireing therein Comission to Execute the Office of high Sheriffe of Calvert County for the yeare ensuing and is referred for Answer to be Given him the next meeting of the Councill.

Mr Platers
Representa-
tion abt
Navigation
Bonds &ca
& Nolle p
sequi
Ordered
thereon &ca George Plater Esq^r their Maj^{ties} Collector for Petuxunt District Represents to this Board that severall Navigation bonds being in his custody for which there have been noe Certificates returned according to the Law in that Case therefore does humbly Move that consideration may be had concerning the same & directions given him what most convenient & suitable methods to take therein.

Resolved & Ordered therevpon as it is hereby Ordered that the said M^r Plater give speedy Notice to all persons any wayes concerned or interested in the said Bonds, and that they
P. 43 have Twelve Months time allowed & given them from henceforward to comience for procureing Certificates as afores^d and that all such bonds in the interim be suspended from being put in suite, without which it is the Opinion of this board that severall persons in the Countrey here will be lyable & exposed to Ruine; and it is hereby further Ordered that what Bonds are not at present in the said M^r Platers possession be forthwith delivered him by all & singular their Maj^{ties} Collectors within this Province, or other Person or Persons in whose custody they shall be found.

Mr Plater
appointed
Collector of
Potomack
District &ca The said George Plater does likewise Represent that whereas he had received a Comission from the present Governm^t for being Collector of Potomack District vpon the death of Coll Blackiston late Collector of the same—And whereas Edward Randolph Esq^r their Maj^{ties} Surveyo^r Gen^l has since by an Unknowne Authority, not appearing to this Board, Granted a Comission to one Philip Clarke fully thereby Empowering him to Act as Collector in the afores^d District, whoe therevpon has put in Execution the said Comission by entering & clearing of severall ships, notwithstanding the Governm^t Comission to him the said Plater granted; Upon the whole matter it is the Opinion of

this board that the same is all irregular there noe thing appeare- Lib. C. B.
ing to this Board in the said M^r Randolphs Comission
Empowering him to place or displace Officers in any of their p. 44
Maj^{ties} Governm^{ts} in these parts, but that the same wholly lyes
in the breast of such Governments.

Ordered therevpon as it is hereby Ordered that the said
Philip Clarke henceforth desist from further acting by Vertue
of such Comission, and that immediately vpon Notice given he
deliver vp all Papers remaining now in his custody relateing to
the said Office of Collecto^r Unto the afores^d George Plater,
whoe is hereby fully Empowered to continue to Act as Col-
lector of that District according to the Teno^r of his Comission
Granted him by the Governm^t Untill further Order.

James
Bigger's
motion on
behalf of
Greenfeild
p Appeale,
Granted &c^a

M^r James Biggers humbly Moveing this Board on
behalf of M^r Thomas Greenfeild who had lately
Granted to him by the Comissary Generall of this
Province Letters colligendum vpon the Estate of
Richard Charlet deceased, whoe by Vertue thereof
had made some progress & been at some Expense in the Col-
lecting part thereof according to the direction of the Law in
that case, but by some meanes or other Letters of Administra-
tion have since been Granted to two other persons noe wayes
Creditoⁿ, & therefore much to the prejudice, as is conceived,
of the persons interested in the same, therefore the said M^r
Bigger does in right of the said M^r Greenfeild humbly pray an
Appeale from the sentence of the said Judge, in Order that
the same may be duely Examined according to Law—And for p. 45.
the due prosecution of the said Appeale the said M^r Bigger
on behalfe of the said Thomas Greenfeild does here tender to
this Board M^r William Parker & M^r Hugh Ellis together with
himsel^f his security and at the same time came as well the
said James Bigger whoe acknowledged himselfe to become
bound in the sume of Two hundred Pounds & the afores^d
William Parker & Hugh Ellis in the sume of One hundred
pounds sterling each Viz^t that if the said Thomas Greenfeild
shall not prosecute his Appeale with Effect that he therevpon
pay all Costs and Damages that may happen to Accrue to any
person concerned, in case that the Sentence of the said Judge
shall be affirmed, by reason of such his Appeale, whoe sever-
ally consented therevnto

Ordered therevpon as it is hereby Ordered that an immediate
stop be put vpon the proceedings of the afores^d Administra-
tion, and that the Administrato^{rs} vpon due Notice hereof given
them yeild all due obedience herevnto, Untill there be a full
decision & determination in the premisses.

Lib. C. B. Then was Read the following Petition, Viz^t

To the hon^{ble} their Maj^{ties} Council for the Province
of Maryland

Thomas Tench by his Petition Humbly Showeth

Mr Tench's
Pet & Ord^r
abt Seizure
p. 46 of his ship
by Esqr
Randolph That by Vertue of a speciall Comission of Oyer &
Terminer before their Maj^{ties} Justices therein named,
at their Court held at the City of St Maryes: the ship
Margaret of London, one William Burnet Comander
was vpon a fair Tryall and by the Verdict of a Jurye
legally Convicted and condemned for breach of severall Acts
of Parliament of England relating to Trade & Navigation &
therevpon adjudged to be forfeited with her Goods &c^a one
third to their Maj^{ties} the other third to the Governo^r and the
remaining third to their Maj^{ties} Collector whoe Seized & sued
for the same according to the Teno^r of the said Acts: That by
Vertue of the condemnation & fforfeiture afores^d the said ship
hath been taken into custody & is now ready to Saile, but pre-
vented and stoped by the Seizure of Edward Randolph Esq^r
Surveyo^r Gcnerall of their Maj^{ties} Customs here, vnder what
pretence yo^r Petition^r is not certainly informed, but (as is said)
for want of a due Entry and paying their Maj^{ties} Duties before
loading to the great Damage of your Petitioner now therein
interested & concerned and vtter overthrow of the Voyage
against which he hath at present noe further or other Remidy
then to applye himselfe to this hon^{ble} Board for an Order per-
emptory to take off the Seizure aforesaid he haveing given
security to the Collector according to Law & is willing to give
New Bond & Security for the Master of the said Ship to pay
the Kings Dues and observe the Laws &c^a as is Usual

And shall pray &c^a

After a full heareing of the same it was the Opinion of this
Board as likewise of their Maj^{ties} Attorney Generall here, being
therevnto Required his Advice, that Whereas the said M^r
p. 47 Randolph hath hitherto made noe Application to the Governm^t
for the bringing the said Ship to a legal Tryeall since the
seizure of the same by him made as afores^d that therefore a
Speciall Court of Oyer & Terminer be forthwith appointed for
the Tryall of the said Ship, and therevpon—

Ordered by advice afores^d as it is hereby Ordered that
Comission forthwith issue vnder the Great Seale in Order to
call a Speciall Court of Oyer and Terminer, thereby constituting
& appointing Samuell Holdsworth Nathaniell Dare John
Bayne, John Lowe & John Watson Gentlemen Comission^{rs} &

Justices for Tryall of the said Ship, whoe are to meet at the City of S^t Maryes the 27th day of this instant february to heare and determine the same that speedy Justice therein may be done, And further that all possible care be taken to give due Notice to the said M^r Randolph that he then & there appeare to make good such his Seizure in Order to her Acquittall or condemnation, and that in case of the said M^r Randolphs Non-appearance, the said M^r Tench give security to M^r Plater the Kings Collector in the Summe of Eight hundred pounds sterling to stand & abide Tryeall either in England or this Province as the said M^r Randolph shall see fit, and that vpon such Security given the Seizure thereby in the interim be suspended. Lib. C. B.

Then was read the following Petition, Viz^t

To the Hon^{ble} the President & the Rest of the hon^{ble} their Maj^{ties} Councill of Maryland. p. 48

Humbly
Sheweth Mr
J. Lewellins
Pet & Ord^r
ab^t Sff of
Talbot
County &c^a

The Petition of John L^ewellin that yo^r Petitioner haveing for some years Officiated and executed the place of Clerk of Talbot County Court and therein contracted & made to himselfe severall ffees to a considerable Summe or quantity of Tobaccos fairely calculated & charged according to Act of Assembly and delivered the particulars and a faire List thereof to the Sheriffe of the said County Samuel Withers with an Execution signed by his Ex^{cy} the late Governo^r comāding the Leavying & makeing paym^t thereof to yo^r Pet^r notwithstanding which the said Sheriff hath & still doth denye & Refuse to complye therewith or to Answer such Notes as your Pet^r hath severall times been Necessitated to draw vpon him for the discharge of his just Debts & his Necessary Supplyes for himselfe & family to his great blemish & scandall and the ruine almost of his credit & Reputation and in all probability may be to the impedim^t & obstruction of his designed Voyage for England to his irreparable loss & damage against which your Pet^r hath noe Remedy vnless relieved by your Hono^r favour in granting him an Order of yo^r hon^{ble} board to the Attorney Generall to put in suite the said Sheriffes bond for the Releife of yo^r Petition^r for w^{ch}

Yo^r Pet^r shall pray &c^a

The which being read it was Ordered as it is hereby Ordered that the Prayer of the Petition^r be allowed; but before the same be put in Execution that he first give Notice hereof to the said Sheriff, whoe vpon Refuseall to make some speedy & satisfactory compliance with the said Petitioner, that then the said p. 49

Lib. C. B. Pet' be hereby at full liberty to pursue the putting the said Bond in Suite, after such Notice given & denyall made as afores^d

By the Hon^{ble} Nicholas Greenberry Esq^r President & Council &c^a

ffeb^y 14th 1693.

Jno Hurst, Tho^s Dawson, Mordecai Price & Abell Browne's Cert of Resurvey Ret to the Land Office. Ordered that these following Certificates of Resurvey (being hither returneable & at this Board now here presented (Viz^t John Hursts containing Two hundred thirty Eight Acres called Bushey Neck bottom, Thomas Dawsons containing One hundred Acres, called Deep Creeke point, Mordecai Price containing One hundred Ninety One Acres, called Crombers Ridge & Abell Brownes containing One hundred Sixty Nine Acres called Comberton, be from this Board forthwith transmitted to the Land Office, to the End the same may be there duely Entered & Remain vpon Record.

Signed p Ord^r

H Denton Cl Concil.

To the Hon^{ble} S^r Thomas Laurence
Baron^t Cheife Secretary of Maryland
or to his cheife Clerk of the Land
Office for the time being

These.

Ord^r p Mr LLeuellina Delivery of the Ld Baltmores Seale to Coll Darnall Vpon Representation & Application Ordered that Mr John LLeuellin deliver or cause to be delivered Unto Coll Henry Darnall or Ord^r a certaine Seale now in the custody of the said LLeuellin, which was formerly made Use off by the Lord Baltimore in the Nature of a Lesser Seale of this Province.

James Hig-ger's Pet p Spill Court vpon the Appeale James Bigger haveing this day favourably obtained an Appeale made to this board on behalfe of Thomas Greenfeild vpon Letters of Administration Granted by the Co^missary vnto Henry Lowe & Thomas Collyer vpon the Estate of Richard Charlet dec^d notwithstanding Letters ad Colligendum to him the said Greenfeild had been legally comitted and for the due prosecution of the same has Given security does now by humble Petition Crave that a time may be limited for a full & speedy heareing & argueing the Reasons vpon the said Appeale either before the Governo^r or persons to be therevnto especially Authorized according to the Directions of the Act of Assembly of this Province in that case &c^a

Ordered therevpon as it is hereby Ordered that M^r Francis Hutchins Cap^t James Keech M^r Francis Freeman Comission^{rs} of Calvert County M^r William Dent of Charles County & M^r Henry Trueman of Calvert County afores^d be & they are hereby appointed Judges, to heare, determine & finall Judgem^t to give in the premisses being therevnto by Speciall Comission vnder the Great Seale of this Province to be qualifed & Empowered accordingly to Meet & sit at Battle Towne the 21th of this instant feb^{ry} of which said Court M^r Henry fernley is hereby appointed Clerk & further Ordered that Sumons immediately issue empowering the afores^d James Bigger to give notice to the severall above mentioned Justices as alsoe the Administrato^{rs} & c^a & other persons whatsoever in any wayes interested or concerned to be & appeare at the Day & place afores^d in Ord^r to a speedy & finall Determination therein.

By the Hon^{ble} Nicholas Greenberry Esq^r President & Council & c^a

feb^{ry} the 14th 1693.

Ord^r p Big-
ger's Sum
Justices &
Adm^{rs} & c^a

Whereas this day at request of James Bigger on behalfe of Thomas Greenfeild an Appeale has been Granted by this Board vpon Complaint made that Letters of Administration had been unduely & surreptitiously obtained by M^r Henry Lowe & M^r Thomas Collyer after Letters ad colligendum to him the said Greenfeild in a legall & lawfull manner issued for the Collecting & geting together the Estate of Richard Charlet dec^d the afores^d Adm^{rs} (as is said) being noe wayes Credito^{rs} therevnto; The said Greenfeild haveing given sufficient security for the due prosecution of the said Appeale—And whereas at the Request of the said James Bigger this Board has likewise appointed M^r Francis Hutchins Cap^t James Keech M^r Francis Freeman Comission^{rs} of Calvert County M^r William Dent of Charles County & M^r Henry Trueman of Calvert County afores^d to Examine into the Legality of the sentence of the said Judge & vpon due Examination their finall Sentence & Determination to make in the same, being therevnto by Speciall Comission vnder the Great Seale Authorized and impowered soe to doe constituting & appointing M^r Henry fernley their Clerk, being by the said Comission Ordered to Meet at Battle Towne the 21th of this instant feb^{ry} for the said End & purpose. And that due Notice hereof might be given it was Ordered, as it is hereby Ordered that M^r James Bigger doe forthwith & out of hand sumons & Give Notice to all & singular the persons aforementioned as alsoe the Adm^{rs} and any other persons therein concerned that they be & appeare at the day & place afores^d

L.b. C. B. as they will Answer the contrary to the End that speedy Justice may be done in the premisses.

Signed p Ord.

H Denton Cl Concil.

Thursday, febr^y the 15th 1693

The Councill again sat & were present as Yesterday

Motion & Vpon representation here made in Councill that
Ordr^s abt one Richard Marsham of Calvert County had taken
Richd Mar- from him dureing the Revolution by Coll Beale of
shams Guns the said County ffour Guns, Sixty ffour pound of
& Amunition shot & ffour pound of powder of all which restitution is
humbly prayed, it being Urged that severall others in the
same Nature have Received the like benefit; or at least if
liberty will not be Granted that all his Guns & Amunition be
Restored, it is further Moved that the Use of one may be
p. 53 Granted him & leave given for to make saile of the Rest that
he may not be too much sufferer in this Case

Ordered therefore by advice, as it is hereby ordered that
he the said Richard Marsham have the Liberty of takeing his
Choice of any one of the afores^d Guns to his owne proper
Use, and that the Remaining three Guns, together with the
Powder & shot be lodged still where they are vntill the said
Marsham can dispose & make Sale of the same to his owne
Advantage.

Coll Green- Vpon Representation & Motion made at this
berry ap- Board that the Court of Chancery is at present
pointed destitute of a Register, and to the End that for want
Judge in of such present Officer noe Business in the said
Chancery & Mr Laylard Court may be delayed or impeded
Registr^r

Ordered by advice as it is hereby Ordered that M^r William
Laylard doe for the time being supplye the said vacancy of
Registr^r vntill further Ord^r

And that whereas the Hon^{ble} Coll Nicholas Greenberry hath
the Custody & Charge of the Great Seale of this Province
comitted vnto him the said Coll Greenberry is therefore now
in Councill appointed Judge of the Said Court & accordingly
is to Comissionate M^r William Laylard Register as afores^d.
And it is hereby further Ordered that all Writts thence issue-
ing at the present to be made returneable to the first day of
the next Provinciaall Court of which all Persons concerned are
to take strict Notice & yeild due obedience therevnto

Ord^r to Col- Vpon representation & Application Ordered by Lib. C. B.
lectors abt
clearing advice, that noe ship or other vessell bound out of P. 54
Ships this Province for Europe be henceforward cleared
by any of their Maj^{ties} Collectors here without giveing security
for their calling vpon his Ex^{cy} S^r Edmund Andros in Virginia
to awaite his Ex^{cies} further Directions in that place.

Maryland William & Mary by the Grace of God King &
Comission Queen of England, Scotland, ffrance & Ireland
for heareing Defenders of the ffaith &c^a To ffrancis Hutchins,
Greenfeilds James Keech, ffrancis ffreeman, William Dent &
Appeale &c^a Henry Trueman Gents Greeting Whereas Complaint hath to
Us been made by Thomas Greenfeild & James Bigger of Cal-
vert County Gents that Administration of the Estate of Richard
Nicholas Charlet late of the same County dec^d hath been sur-
Greenberry reptitiously obtained & illegally Granted to M^r Henry
Lowe & Thomas Collyer of the County aforesaid noe wayes
related to or concerned in the same, and that Letters ad colli-
gendum before Granted to the said Thomas Greenfeild &
Thomas Lasker Gent (by vertue whereof the said Thomas
Greenfeild had in some measure Proceeded and intermedled
with the said Estate & Engaged himselfe into the Concerns &
Managem^t thereof) were by some private suggestions & Misin-
formations to the Judge for Probat of Wills &c^a Revoked, dis-
annulled & made void, from which Sentence & determination
of the said Judge the said Thomas Greenfeild & James Bigger p. 55
haveing prayed an Appeale according to Act of Assembly of
our Province of Maryland in such case made & provided.
And Wee being Willing that speedy Justice should be done
therein, and a Suitable Releife Granted to persons Greived in
such case, Wee have assigned, constituted, Ordained & ap-
pointed and by these presents Wee doe Ordain, constitute &
appoint you the said ffrancis Hutchins, James Keech ffrancis
ffreeman, William Dent & Henry Trueman or any Three or
more of you (whereof you the said ffrancis Hutchins or James
Keech to be alwayes One) our Comissioners especially to
inquire into Examine, heare & Determine the Premisses, And
to that End you are to Meet at Battle Towne in Calvert
County on the 21th day of this instant ffebruary And to Call
& Cause to Come before you as well the said Complainants
Thomas Greenfeild & James Bigger as alsoe the other persons
before Named Henry Lowe & Thomas Collyer, as all other
persons therein any wayes concerned. And the severall Alle-
gations, Testimonies & Proofes on both sides being strictly
heard & Examined and the Matter duely Maturely & deliber-
ately Weighed & Considered to pass & give yo^r finall Judgem^t
Dooome & Determination therein according to Law & Justice

Lib. C. B. & the best of yo^r Skill & Understanding. And to the End that a true & fair Record may be kept of your Proceedings herein Wee have thought fit to Nominate & Appoint, And
 p. 56 Wee doe hereby Nominate, Constitute & Appoint Henry ffernley Gent to be your Clerk or Register to Receive take & Enter on his Journall the Summe & Substance of what shall be done & Acted by you in the Execution of the Power & Authority hereby Given and Granted you a faire Coppy whereof attested vnder the hand & Seale of yo^r said Clerk you are to Transmitt Unto Us in our high Court of Chancery with all convenient speed Given Under the Great Seale of our said Province of Maryland the ffifteenth day of ffeb^r in the Sixth yeare of our Reign &c^a Annoq Domini 1693.

On the back of the foregoeing Comission was thus Written Viz^t

Dedimus
 potestatem
 &c^a

William & Mary by the Grace of God of England, Scotland, ffrance & Ireland King & Queen Defenders of the ffaith &c^a To William Dent & Henry Trueman Gents These are to constitute & Appoint you or either of you to Administer vnto ffrancis Hutchins & James Keech or
 Nicholas either of them the Oaths appointed by Act of Parlia-
 Greenberry ment instead of the Oaths of Allegiance & Supremacy as alsoe the Usuall Oath of Comission^r And the said Oaths being as afores^d Administered & taken you the said ffrancis Hutchins & James Keech or either of you are to Administer the afores^d Oaths Unto the rest of the Comissioners within named for which this shall be your sufficient Warrant Given vnder the Great Seale of our Province this 15th day of ffeb^r in the Sixth yeare of our Reign &c^a Annoq Dni 1693.

p. 57 At a Councill held at the Ridge in Ann Arrundell County at the house of M^r John Larkin the 16th day of Aprill 1694, and in the Sixth yeare of the Reign of our Sovereign Lord & Lady King William & Queen Mary &c^a

Present

The Hon^{ble} Nicholas Greenberry Esq^r President

Thomas Tench Esq^r

Cap^t John Addison

Thomas Brooke Esq^r

Messenger
 sent to New
 Yorke with
 Bills of
 Excha^a 250^l

Taken into consideration the sending an Express to New Yorke with Bills of Exchange to the summe of Two hundred & ffifty pounds sterling pursueant to their Comands, and therevpon Moved that M^r Roger Newman be sent for to Treat with him to goe vpon

the said Express, whoe accordingly appeared and Undertooke Lib. C. B.
the said Journey for the Vallue & consideration of 5000^l of
Tob^o if he proceeds on his Journey soe far as New Yorke, but
in case of his Meeting with their Ma^{ty} Collector of New Yorke
at Pensilvania, to whome the same are to be delivered then to
Receive the Sumē of 3000^l of Tob^o onely the which was agreed
to here by this Board & Ordered, as it is hereby Ordered that
the same be paid him out of the 50000^l of Tobacco Leviable
in the intervalls of Assemblies &c^d

Mr Plater Ordered that George Plater Esq^r Collector & p. 58
ordered to attend with Receiver of their Ma^{ty} Revenue for this Province
bills of attend this Board imēdiately with Bills of Exchange
Exch^a to the Sumē of 250^l sterling deduceable out of their
Vallue 250^l Ma^{ty} Revenue here ariseing to the End the same
may be transmitted to the Collector & Receiver of their Ma^{ty}
Revenue for the Province of New Yorke, in compliance to
their Ma^{ty} comānds towards their assistance ag^t the ffrench
and Northern Indians, and Produced at the Board accordingly
the following Bills all indorsed by the afores^d George Plater,
amounting in the whole to the Sumē of Two hundred fifty
Pounds Eight shillings & ffour pence sterling, Viz^t

Robert Ashtons first, second & third Bill drawne vpon Richard Marsh of London for	20: 17: 06 ^d	
Abraham Tricketts Ditto, on Ben: Brain of London for—	19 16: 03	
Christopher Monkes Ditto, on Joseph Alford of London & Company for	21: 05: 06	
James Pitts Ditto, on Richard Meddlecot of Boston in New England for	40: 07: 11	
Henry Jordaine Ditto, on Henry LLoyd Merchant in Bristoll for	26: 13: 08	
Hugh Bickford Ditto, on Daniell Ive of Exon & Company for	41: 00: 00	p. 59
Sam ^l : Philips Ditto, on John Taylor of London for	45: 12: 06	
Richard Bass Ditto, on Richard Shukburgh of Exon for	13: 02: 06	
Henry Munday Ditto on Michaell Yoakley of London & Company for	21: 12: 06	
	<hr/> £: 250: 08: 04 <hr/>	

Lib. C. B. Bills of Excha^a Ordered to be transmitted to Collector of New Yorke

Ordered that the afores^d Bills be Transmitted to Chudleigh Brook Esq^r Collector & Receiver of their Ma^{ty} Revenue for the Province of New Yorke or to their Ma^{ty} Receiver & Collector there for the time being by the hand of the afores^d Roger Newman, whoe vpon delivery of the same is to take Receipt from the said Collector & Receiver and make Returne thereof to the Hon^{ble} Nicholas Greenberry Esq^r in Order to be comunicated to this Board

Delivered the aforementioned Bills into the custody & care of the afores^d Roger Newman, at the Councill Board where at the same time he passed his Receipt for the same, as follows, Viz^t.

p. 60

Aprill 16th 1694.

Roger Newmans Receipt p Bills of Excha^a 250^l ster^l

Received at the Councill Board the above mentioned Bills, the which I doe hereby obliedge my selfe to deliver as above expressed (casualties Excepted) and returne their said Ma^{ty} Collectors Receipt for the same vnto the hon^{ble} Nicholas Greenberry Esq^r pursueant to the Order of this Board, p

Roger Newman

George Simons & ffaith Wilson als. Congo's Certificate Resurvey containing flour hundred fforty seaven Acres called Kickquatan Choice being hither Returneable and produced at this Board, Ordered that the same be forthwith Transmitted to the Land Office & there duely Entered vpon Record.

Adjourne till Afternoon

Afternoon, 5 Clock.

Councill Mett & Satt

Present as before.

The following Petition was preferred, Viz^t

To the Hon^{ble} Coll Greenberry Esq^r with the Rest of the hon^{ble} Councill now siting.

Ann Arrundell

The humble Petition of Gabriell Parrot of this County of Ann Arrundell

Humbly Sheweth, Viz^t

p. 61 Gabriell Parrots Pet. on behalfe of Eliz: Longman

That Whereas yo^r Petitioner hath in his keeping and charge, an Orphan Child of one Daniell Longman of the afores^d County & liveing formerly at West River haveing noe other Heire to his Estate

but the afores^d Orphan knowne by the Name of Elizabeth Longman; and that now Nicholas Waterman of the afores^d County hath made Entrance vpon a Tract of Land of the said Orphan (as may appeare by Patent) to the great devastation of the Timber as well as the Land and great damage of the Orphan, and for this cause your humble Petition^r in behalfe of the Orphan humbly requests that the said Nicholas Waterman may be brought to Justice & a course taken as your Hono^r in your Wisdome shall thinke convenient for a speedy Redress, and yo^r humble Pet^r as in duty obliedged Shall pray

Ordered that M^r Edward Batson make Returne of the Certificate of Resurvey by him made for Nicholas Waterman to the Clerk of this Board forthwith; and that the Petition of Robert Lockwood on behalfe of the said Waterman together with the Order thereon be producead at this Board the next Councill that the whole Proceedings thereon may be inspected, and then the Pet^r shall have further Answer in the Premisses.

Capt James Bigger made Ranger on West side Petuxant River in Calvert Co; It is this day Ordered in Councill that Comission be prepared to constitute Cap^t James Bigger of Calvert County Ranger on the West side Petuxant River within the said County, he giving Security to their Ma^{ties} in the Summe of One hundred Pounds Still as well for the due & just performance of his Duty in the Execution of his said Comission when by him received, as alsoe for his strict observeing & keeping these following Rules & Orders, Viz^t. p. 62

1: That what Unmarked wild horses, Mares or Colts he the s^d James Bigger shall take vp for the Use of the King by Vertue of his said Comission, shall not be turned out into the fforrest again, nor marked by the Ranger as formerly, but immediately (or as soon as an oportunity presents) exposed to Sale & Vended—This Board being of Opinion that the same will be a suitable and proper Method and course, and more to their Ma^{ties} service & advantage.

2: That he the said James Bigger shall (when required by this Board) give a just & true Account vpon Oath of all such Sales by him to be made as afores^d—Reserveing a third part of the Profits, for his Care & trouble therein, to his owne proper Use & behoofe.

Read the following Petition, Viz^t.

To the Hon^{ble} Nicholas Greenberry Esq^r President of their Ma^{ties} Councill & the Rest of the Hon^{ble} their Ma^{ties} Councill for the Province of Maryland.

The humble Petition of ffrancis Malden of the Clifts in Calvert County.

Lib. C. B. Humbly Sheweth

- ffrancis Mal- That Whereas one Richard Bennit of Nancemum
dens Pet p
Resurvey River in the Colony of Virginia Esq^r had formerly
&c^a Granted Unto him by Letters patent from Cecilius
- p. 63 late Lord Baltemore &c^a Twelve hundred & ffifty Acres of
Land lyeing vpon the Clifts in Calvert County called Lower
Bennitt, being soe invested as aforesaid with the said Land
Did for diverse good Causes & considerations him therevnto
Moveing bargain Sell, Alien & Make over vnto one John
Tucker of the Clifts afores^d One hundred & ffifty Acres of the
afores^d Tract of Land being the Southermost part of the said
1250 Acres ; And alsoe the said Richard Bennit did for diverse
good Causes bargain, Sell, Aliene & make over Unto one
Thomas Sterling ffive hundred Acres of the aforesaid parcell
of Land being the midlemost part of the said 1250 Acres And
further the said Richard Bennit did for good considerations
make over vnto one Stephen Benson the remaining Six hun-
dred Acres of Land being the Northermost part of the said
1250 Acres. But the said Stephen Benson afterwards for
good Reasons & considerations did Release, discharge & make
Voyd the afores^d Bill of Sale for the Six hundred Acres afores^d
And after that did purchase of the said Rich^d Bennit only Two
hundred Acres of the said Land, which the said Richard Ben-
nit did for diverse considerations bargain, Sell, Aliene & make
over to the said Benson lyeing to the Northward of the said
Sterlings 500 Acres And also the said Richard Bennit did for
diverse good causes & considerations bargain Sell, Aliene &
make over to one ffrancis Malden (your Hono^r Pet^r) the
Northermost & Remaining part of the afores^d parcell of Land,
supposed to contain ffour hundred Acres, be the same little,
more or less.
- p. 64 Yo^r Pet^r therefore humbly Supplicates this Hon^{ble} Board to
Grant him Warrant of Resurvey for the Resurvey of the
afores^d Parcell of Land called Lower Bennit containing 1250
Acres, according to the true Antient Meets & Bounds thereof,
and alsoe the severall parcells of Land formerly Sold by the
said Richard Bennit, Viz^t the 150 Acres to John Tucker, the
500 Acres to Thomas Sterling the 200 Acres to Stephen Ben-
son may be laid out & bounded according to just & exact
Surveys in the presence of the Sherriffe of Calvert County and
a Jurye by him Sumoned, Impannelled & Sworne And that the
Remaining 400 Acres may be adjudged to your Pet^r to prevent
all future disputes & differences amongst the severall Pur-
chasers of the afores^d Parcells of Land containing 1250 Acres,
concerning the Bounds of their severall Divisions.
- And yo^r Pet^r as in duty bound shall Ever pray &c^a

Ordered that if the severall Persons concerned and mentioned in the said Petition will by consent Joyne in the Resurvey of the said severall Tracts of Land, the Pet^r producing Certificate, vnder their hands of their compliance thereto, to this Board the next Meeing of the Councill; the Petitioner shall then have further Order therein. Lib. C. B.

At a Councill held at the Councill Chamber in the City of St Maryes, the first day of May, in the Sixth yeare of the Reign of our Sovereign Lord & Lady William & Mary King & Queen of England &c^a Annoq Domini 1694 p. 65

Present

His Excellency S^r Edmond Andros Kn^t

S^r Thomas Laurence } Cap^t John Addison }
Coll Nich^o Greenberry } Thomas Brooks Esq^r }

Esq^r Brookes
sworne a
Justice of
the Prov^{ll}
Court The Hon^{ble} Thomas Brooke Esq^r one of their Ma^{ties} Justices Comissionated for the Provinciaall Court, tooke this day at the Board the Oaths appointed by Act of Parliament instead of the Oaths of Allegiance & Supremacy, as alsoe the Usual Oath of Justice of the said Court. And whereas there is but a small appearance, therefore by advice in Councill Ordered that the Justices now present Repaire to the State house & Adjourne the said Court till to Morrow Morning Tenn Clock.

May the 2^d 1694 8 Clock in the Morning

The Councill again Mett & Satt & were

Present

His Ex^{cy} S^r Edmond Andros Kn^t

S^r Thomas Laurence Thomas Tench Esq^r
Coll Nich^o Greenberry Cap^t John Addison
Thomas Brooke Esq^r

S^r Tho:
Laurence
Restored to
his place of
Counsellor
&c^a S^r Thomas Laurence delivered to his Ex^{cy} in Council the Queens Order of the 28th of September 1693, directing the restoreing him the said S^r Thomas Laurence to his place of Counsellor & Judge of the Provinciaall Court—Ordered that it be Entered in the Councill Booke and to be observed accordingly. p. 66
The said Order follows in these Words, Viz^t

Lib. C. B. At the Court at Whitehall the 28th day of September 1693.

Present

The Queens most Excellent Ma^{ty}

Lord Arch B ^p of Canterbury	Viscount Falkland
Lord Keeper	Lord B ^p of London
Lord President	Lord Cornwallis
Lord Chamberlain	Lord Godolphin
Earle of Oxford	M ^r Vic. Chamberlain
Earle of Nottingham	M ^r Secretary Trenchard
Earle of Rochester	M ^r Chancellor of the Exchequer
Earle of Montague	Lord Chiefe Justice Holt
Earle of Ranelagh	S ^r Henry Goodricke
	M ^r Boscawen

Queens
Order in Re-
lation to S^r
Tho: Lau-
rance &c^a

Whereas the R^t Hon^{ble} the Lords of the Com^{it}tee of Trade & Plantations, by their Report Dated the 15th instant have Represented to her Ma^{ty} in Council that Upon Reading severall Letters from the

p. 67 Governor & Council of Maryland, to the Com^{it}tee, Dated the 14th of October, 21th of December, and 11th of Aprill last together with Articles of impeachment against S^r Thomas Laurence Secretary of that Province Upon which Articles the Governo^r & Council of Maryland Acquaint their Lo^{ps} they had com^{it}ted & confined S^r Thomas Laurence and had dismissed him from being of the Council & Judge of the Provinciall Court. There appeareing to the Com^{it}tee noe ground for such Proceedings although the Allegations contained in the said Articles were true, but that the Proceedings of the Governor & Council in this Matter are illegall and Arbitrary; Their Lo^{ps} are of Opinion that the Governor & Council of Maryland be directed to Give S^r Thomas Laurence a Copy of the Articles transmitted against him, and that he returne his Answer Unto them, to the End their Ma^{ties} pleasure therevpon may be knowne, and that in the mean time S^r Thomas Laurence be Set at Liberty and be restored to his places of Counsellor & Judge of the Provinciall Court and that he receive noe molestation or disturbance in the Enjoyment of his Office of Secretary of Maryland, according to his Ma^{ty} former

p. 68 permission be given in Maryland to Examine all Persons that shall give Evidence in this Matter without any hindrance or discountenance to such Persons as S^r Thomas Laurence shall desire to be Examined on his behalfe.

Her Ma^{ty} in Council approveing the same, is this day pleased to Order, as it is hereby Ordered accordingly that the

Governor & Councill of Maryland doe give S^r Thomas Laurence a Copy of the Articles transmitted against him, and that he forthwith returne to this Board his Answer in writeing to the said Articles, to the End their Ma^{ty} pleasure therevpon may be knowne, And that in the mean time the said S^r Thomas Laurence be Set at Liberty and be restored to his places of Counsellor and Judge of the Provinciaall Court in Maryland and that he Receive noe Molestation or disturbance in the Enjoyment of his Office of Secretary of that Province, according to his Ma^{ty} Order in Councill of the second of March last. And that permission be given in Maryland to Examine all Persons that shall Give Evidence in this Matter, without any hindrance or discountenance to such Persons as the said S^r Thomas Laurence shall desire to be Examined on his behalfe
Rich Colingly

Prov^l Court Commission Order'd to be prepared Ordered that a new Comission for the Provinciaall Court be forthwith prepared by M^r Attorney Generall constituteing & appointing S^r Thomas Laurence p. 69 Baronet Chiefe Justice of the said Court with the Addition of M^r John Watson to the former Comission.

May the 3^d 1694.

The Councill again Mett & Satt & were

Present

His Ex^{ty} S^r Edmond Andros Kn^t

S ^r Tho: Laurence	} Cap ^t John Addison	}
Co ^{ll} Nich ^s Greenberry		
Thomas Tench Esq ^r		

S^r Tho: Laurence Motion & Ordr about Articles of Charge sent ag^t him &c^a Vpon Motion made by S^r Thomas Laurence this day. Ordered that the Clerk of the Councill deliver to the said S^r Thomas Copyes of all papers & Articles of Charge sent for England against him or any other matters or concerns relateing to the same which shall be required by the said S^r Thomas, and all Persons he shall desire to be Examined in this Matter pursueant to their Ma^{ty} Ord^r of the 28th of September last.

Collectors & Series bonds Or- dered to be Entered in Councill Hooke. Coll Greenberry Representing to this Board that he had (by Order of his Ex^{ty} S^r Edmond Andros) taken Bond of S^r Thomas Laurence for the Execu- tion of his Office of Secretary & likewise Bond of George Plater Esq^r & Maj^r Robert King as Collectors

Lib. C. B. & Navall Officers, Ordered that the same be delivered to the Clerk of the Councill & Entered in the Councill Booke.

p. 70 Three severall Accounts of Col^l Blackistons M^r Tench and M^r Platers, Collectors & Receivers of the Duties Relateing to the 4^d p Gallon impost vpon Lique^r delivered by them the Begining of October last, being Read;

Ordered that the same be lodged with the Clerk among the Councill Papers; and vpon further consideration of the publick Revenue for a Support of their Ma^{ty} Governm^t

Money Or- Ordered therevpon as it is hereby Ordered that the
dered to be
pd to the severall & Respective Collectors & Navall Officers
Govern^r doe forthwith Give an Account thereof at this Board,
and that they pay to his Excellency what shall appeare to be
his dues.

May the 4th 1694.

The Councill again Mett & Satt & were

Present.

His Ex^{ncy} S^r Edmond Andros Kn^t

S ^r Thomas Laurence	{	Cap ^t John Addison
Coll Nich ^o Greenberry		Cap ^t John Courts
Thomas Tench Esq ^r		Thomas Brook Esq ^r

Mr Plater Brought in an Account by M^r Plater Collector &
Ordrd to call Receiver of their Ma^{ty} Revenue for this Province
vpon the haveing Relation thereto; Ordered that the same be
Collect^r to Given him again to be faire writ over and presented
send in th^r here at this Board to Morrow, and that he Call vpon
p. 71 Accots Re- the other Collectors to send in their Accounts of what
lateing to the Revenue the other Revenue lyes lodged in their hands.

Coll Dar- Vpon application of Col^l Darnall to his Ex^{ncy} and
nalls Appli- Councill relateing to Surveying Lands of the Right
cation about Hon^{ble} the Lord Baltemore and delivery of some
Land Af- Bills & Bonds of his Lo^{ps} by him Required; Ordered
fares Re- that the said Matter be Referred to be Debated to
ferred to be Debated to
Morrow. Morrow Morning Eight Clock, and that Col^l Darnall
have Notice thereof to signifye if he has anything further to
say in that Affaire.

May the 5th 1694

The Councill again Mett & Satt & were

Present

His Ex^{ncy} S^r Edmond Andros Kn^t

S ^r Thomas Laurence	{	Cap ^t John Addison
Coll Nich ^o Greenberry		Cap ^t John Courts
Thomas Tench Esq ^r		Thomas Brooke Esq ^r

Mr Plater Ordered in Council that George Plater Esq^r Col- Lib. C. B.
 Ordered to pay the lector & Receiver of their Ma^{ty} Revenue for this
 Governor Province pay Unto his Ex^{cy} S^r Edmond Andros or
 500^l sterl Order the Sume of ffive hundred Pounds sterling out
 &c^a of their Ma^{ty} Revenue of 15^d p^r hh^d here ariseing, Upon
 Account as Co^mander in Chiefe of this Province.

Ditto order'd Ordered likewise in Council that the Hon^{ble} Coll
 to Pay Coll Nicholas Greenberry be paid out of the said Revenue p. 72
 Greenberry vpon Account as President the sume of One hun-
 150^l sterl dred & ffifty Pounds sterling.
 &c^a

Bonds Coll Darnall appeareing here again at this Board
 Order'd to be and produceing noe Authorities or offering new
 delivered to Matter; Ordered that M^r John LLewellin & all
 his Lo^{ps} Agent &c^a & other Persons intrusted in the publick Offices of
 Ord^r abt Ld Record in whose custody any Bills or Bonds be-
 Affaires longing to the Lord Baltemore shall be found doe forthwith
 deliver vp the same Unto his Lo^{ps} Agent or order pursueant
 to his Ma^{ty} Co^mands of the 23th of febr^y 1692. And that an
 Order of this Board of the 14th of October last relateing to
 Surveyo^rs doe not obstruct or hinder the Lord Baltemore nor
 any other persons from Surveying or laying out their owne
 Lands.

May the 7th 1694.

The Councill again Mett & Satt & were

Present

His Ex^{cy} S^r Edmond Andros Kn^t

S ^r Thomas Laurence	} Thomas Tench Esq ^r }
Col ^l Nich ^o Greenberry	
Col ^l Charles Hutchins	
Col ^l David Browne	
	Cap ^t John Addison
	Cap ^t John Courts
	Thomas Brooke Esq ^r

Mr Tench Read a Petition of M^r Tench relateing to the
 Pet abt Seizure of a certain Vessell wherein he is concerned p. 73
 Seizure of as Adm^r of the late Governo^r Copley—Ordered
 Vessell & that M^r Attorney Generall doe take care for due
 Ord^r thereon Proceedings therein before the End of this Provinciaall Court
 according to Lawe

Mr P. Clarke Vpon Application of M^r Philip Clarke relateing
 Order'd to deliver ship- to the Collectorship of Potomock—Ordered that
 ing Bills & the said Clerk forthwith deliver vp to George
 Papers &c^a Plater Esq^r all Bills, Bonds & other Papers now in
 belonging to his Custody relateing to the said place, pursueant
 Potomock to the Order of this Board—of the 14th of febr^y last
 District vnto
 M^r Plater

Lib. C. B. and that a Deputation be given him the said Clerk
 Mr P. Clarke for to Act as Collector of the said District of Poto-
 appointed mock, Untill further Order he giveing Security for
 Collector of his due Execution of the same and performeing
 Potomock what the Law Requires.
 District

Militia Ordered that the Principall Officers & Comanders
 Order'd to be doe take care that the Militia within the severall
 Muster'd & Counties of this Province be provided & duely
 Train'd Exercised according to Law, of which Return to be
 according to made to the Chiefe Officer of each respective
 Law County.

 Mr Henry Vpon Petition preferred by M^r Henry Lowe &
 Lowe & Thomas Collyer seting forth some grievance they
 Collyer's Pet lay vnder in Relation to certain Letters of Admin-
 P. 74 & Ref abt istration to them Granted Vpon the Estate of one
 Charlets Es- Richard Charlet of Calvert County deceased and
 tate &c^a made void by a Speciall Court of Delegates, which being read ;
 Ordered that the same be Referred to be heard Saturday
 next & that all Persons therein concerned have notice to
 attend therevpon accordingly. Nota Halls Pet & Ord^r should
 come in here. Vide infra . . .

Proclamation Ordered that Proclamation be prepared declare-
 to declare Sr ing S^r Thomas Laurence to be President of the
 Tho: Lau- Councill dureing the absence of the Governor or
 rence Presi- Comander in Chiefe. W^{ch} accordingly was done
 dent &c^a Read & Signed by his Ex^{cy} & passed the Broad
 Order'd &c^a Seal of the Province & was follows Viz^t Vide below.

Broad Seale Their Ma^{ty} Broad Seale of this Province delivered
 dd: to Coll to the Hon^{ble} Coll Nicholas Greenberry at the Board
 Greenberry to be keeper thereof Untill further Order.

Benj: Halls Petition of Benjamin Hall of S^t Maries County
 Pet & Ord^r Read therein praying the Delivery of some Guns &
 abt Guns Amunition taken from Captain Bowling late of S^t
 &c^a Maries County deceased in the time of the Revolution, by
 Cap^t John Dent, with whose Widow he hath since intermarried ;

 Ordered that what Guns & Amunition of the said Cap^t
 Bowlings were taken away by the said Cap^t Dent be delivered
 to the Petitioner, or the said Cap^t Dent give an Answer to
 this Board.

By his Ex^{cy} a Proclamation.

Lib. C. B.

Proclama-
tion
declaring
S^r Tho:
Laurence
president
&c^a

Whereas their Ma^{ty} by their Royall Comission to the Governor of this Province have been pleased to signifye their Will & pleasure that in case of the death or absence of the Governo^r and noe other Person upon the place Comissionated to be Comander in Chiefe of this their said Province that then the Councill of Maryland should take upon them the Administration of the Governm^t & Executeing the said Comission and the severall Powers and Authorities therein contained And that the first Counsellor whoe should be at the time of the death or absence of the Governor or Comand^r in Chiefe residing within this their Ma^{ty} Province and Dominion doe Preside in the said Councill with such Powers & Preheminences as any former President hath Used & Enjoyed within the said Province or any other their Plantations in America Untill the Arrival of such Governor or Comander in Chiefe or their Ma^{ty} pleasure should be further knowne therein And fforasmuch as their Ma^{ties} have been pleased to Comand my present service in their Colony of Virginia and noe other person Upon the place Comissionated to be Commander in Chiefe of this their Province & Dominion pursueant therefore to their Ma^{ty} Comission, I doe (by advice in Councill) in their Ma^{ty} Names by this Proclamation Notifye & make knowne the Administration of the Governm^t & the Execution of the said Comission and the severall Powers and Authorities therein contained (for & dureing my absence, or their Ma^{ty} pleasures further knowne) to be in the Councill of this their Ma^{ty} Province and Dominion & the Hon^{ble} S^r Thomas Laurence Baronet to Preside therein Untill my Returne or further Orders, of which all Persons are to take Notice & Give due Obedience as they will Answer the contrary at their Perills; Given under my hand & the Great Seale of the Province at the City of S^t Maries the seaventh day of May Anno Domini 1694 in the Sixth yeare of the Reign of Sovereign Lord & Lady King William & Queen Mary. p. 76

God Save King William & Queen Mary

A Proclamation declaring
the Presidentship of the
Councill in the absence of
the Governor or Comand^r
appointed; Prepared by me

E. Andros

Geo: Plater Attorney Gen^l

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SIR THOMAS LAWRENCE,
President.

1694.

At a Councill held at the Councill Chamber in the City of p. 77
St Maries the 12th day of May in the Sixth yeare of the Reign
of our Sovereign Lord & Lady William & Mary King &
Queen of England &c^a Annoq Domini 1694.

Present

The Hono^{ble} S^r Thomas Laurence Baron^t President
Coll Nich^o Greenberry } Thomas Tench Esq^r }
Coll Charles Hutchins } Cap^t John Addison }
Coll David Browne } Cap^t John Courts }

Mr Lowes Vpon Reading & reheareing the Petition of M^r
Pet again Lowe & Thomas Collyer, read at this Board the
read & Ord^r Seaventh instant, whereby they pray a Co^mission of
thereon. Review vpon the Sentence of the Delegates given in the
Appeale made by Mr. Thomas Greenfield vnto this Board
from the Sentence of the Co^missary Generall, and were
appointed to attend this day for a finall determination thereof;
it was this day put to the question whether the said Admin-
istrato^rs be finally concluded by the sentence of the Delegates
or whether a further Co^mission of Review shall be Granted;
Resolved therevpon & Ordered, by advice of M^r Attorney
Generall, that the afores^d Sentence of the Delegates in relation
to the Estate of Richard Charlet deceased be affirmed, & that p. 78
noe further Co^mission of Review be Granted; but S^r Thomas
Laurence dissenting from the said Opinion is ready to give
his Reasons for such his dissent when desired.

Mr Green- Ordered that M^r Thomas Greenfield & M^r James
field Bigger Bigger persons to whome Letters ad colligendum
ordered to have been Ordered by the afores^d Speciall Court of
give Security Delegates doe i^mmediately give good & sufficient
for Charlets Security to be answerable for the said Charlets
Estate &c^a Estate, and to indemnifye & save harmless the Co^missary
Gen^t in all Points.

Cap^t Biggers Cap^t James Bigger's bond for Ranger of Calvert
bond p County delivered at the Board by the Hono^{ble} Coll
Ranger Nicholas Greenberry & Ordered to be lodged with
lodged with the Clerk among the Councill papers.
the Clk

Lib. C. B. Ord^r to Comission-
ate Mr Robt Lockwood
Capt of a Troope of
horse & Mr Philips Capt
of a ffoot Company
&c^a

Vpon Representation, Ordered, that Comission
be prepared for to constitute Robert Lockwood of
Ann Arrundell County Gent Captain of a Troope
of horse as formerly raised in the Division of Her-
ring Creeke and elsewhere in the said County; as
likewise Comission to constitute James Philips of
Baltimore County Captain of a Company of ffoot
to be raised as formerly in Specutia Hundred, within
the said County.

St Maries
County Com-
ission, Ord^r
p. 79 Renewmt

Ordered that Comission of the Peace & for
Tryeall of Causes in S^t Maries County be renewed,
adding Cap^t Thomas Waughop, M^r John Lowe &
M^r Joshua Guibert to the said Comission, and that M^r John
LLeuellin, one of the former Justices, be left out, and that the
three first persons therein nominated be of the Quorum.

At a Councill held at the Councill Chamber in the City of
S^t Maries the 16th day of May in the Sixth yeare of the Reign
of our Sovereign Lord & Lady William & Mary King &
Queen of England &c^a Annoq Domini 1694.

Present

The Hono^{ble} S^r Thomas Laurence Baronet, President.

Coll Nich ^o Greenberry	} Thomas Tench Esq ^r }
Coll Charles Hutchins	
Coll David Browne	
	Cap ^t John Addison
	Cap ^t John Courts

S^r T. Lau-
rence takes
Oath of
Trade &
Navigation

The Oath of Trade & Navigation administered in
Councill Unto the Hono^{ble} S^r Thomas Laurence
Baronet, President of Maryland.

Spld Comis-
sion Ordered
for Tryall of
Mr Tench's
ship

Ordered that Speciall Comission of Oyer &
Terminer be prepared according to Usuall Custome
& forme for the Tryeall of the Ship Anne of Mary-
land, thereby constituteing & appointing M^r William
Parker, M^r Francis Freeman, M^r Henry Lowe, M^r Walter
Smith & M^r Samuella Holdsworth, Justices, and that the
Quorum consist of the two first persons therein Nominated
who are for the said End & purpose to Meet & sit the third
Tuseday in June next, at Battle Towne in Calvert County and
that Henry Wriothesley be admitted Clerk of the said Court.

p. 80

Comission
for Talbot
County
Order'd to
issue

Ordered that Comission of the Peace & for Tryall of Causes in Talbot County be forthwith prepared according to Usual Custome & forme, constituting & appointing the following Persons, Comission^{rs} & Justices, Viz^t M^r Edward Man, M^r William ffinney, M^r James Smith, M^r Robert Smith, M^r John Davies, M^r William Coursey, M^r John Whittington, M^r Hugh Sherwood, M^r Thomas Bowdell, M^r James Morphey & M^r John Hawkins; and that the ffour ffirst persons therein Nominated be of the Quorum. Lib. C. B.

Esq Ran-
dolphs Mo-
tion abt the
Kings part
in the prize
ship & Ord^r
thereon

Vpon Motion made by Esq Randolph their Ma^{ty} Surveyo^r Gen^l & Deputy Audito^r relateing to the condemnation of the Ship Margaret of London with her Cargoe &c^a humbly praying that consideration might be taken by this Board for the due payment of the Kings part of the said Ship & Cargoe according to Appraisement of the same made; Ordered therevpon as it is hereby Ordered that George Plater Esq their Ma^{ties} Receiver make Application to the party or parties in whose hands their Ma^{ty} part of the said ship & Cargoe lyes, and that vpon Refuseall or delay of payment he take all the speedy & most proper Methods & courses possible to Secure & Collect the same for their Ma^{ty} Use, and likewise take due Care to Collect & Receive all other Revenues, Dues & Duties belonging to their Ma^{ty} within this Province, Untill further Order. p. 81

Councill ap-
pointed to
meet at Bat-
tle Towne
abt Sffes
&c^a

Councill appointed to Meet at Battle Towne the 13th day of June next in Order to Appoint Sherriffes, whoe vpon Receipt of their Comission are to give bond with two sufficient Securities in a Sume Suitable to the Number of Titheables, where they shall beare Office, for the due discharge of the same which bonds afterwards to be duely transmitted to the Secretaries Office, there to be lodged & kept, and that the Usual Oath of Sherriffe be administered to each person soe appointed together with the Oaths appointed by Act of Parliament, instead of the Oaths of Allegiance & Supremacy either before one of the Councill or two of the Justices of the County where such Sherriffe lives & beares Office.

Motion about
Navigation
bonds &
Ord^r thereon

Vpon Motion made by George Plater Esq^r relateing to Navigation bonds, acquainting the Board that whereas he had received good information that severall Masters of Ships whoe Sayled out of these parts went directly to Scotland contrary to the teno^r of their severall Bonds, and therefore prayed the Directions of their Hono^{rs} therein—Ordered therevpon as it is hereby Ordered that all p. 82

Lib. C. B. such bonds be immediately put in Suite; and all other persons appeareing to be tarde, in such like case, to be forthwith likewise prosecuted, Notwithstanding a former Order of this Board of the 14th of febr^y last, which gives Twelve Months time longer to procure Certificate &c^a

Embargoe Ordered that an Embargoe & stop be put vpon
on ships all ships & Vessells bound for Europe, Untill the
bound for 20th day of June next, and that none be cleared till
Europe till that time, nor afterwards to be cleared to Sayle
20th of June vnder the Number of ffive ships, to Meet at the
next Mouth of Petuxant River.

Motion abt It being this day Represented in Councill that
Land Rec- whereas William Hemsley of Talbot County had
ords bought purchased from M^r John LLeuellin severall Papers
by Hemsley & Coppyes of Land Records, proveing prejudiciall
& Ord^r as well to the just profits & perquisites accruing
thereon to the Hono^{ble} the Secretary out of the Land Office, as alsoe
p. 83 detrimental & pernicious to severall the inhabitants & good
people of that County, Moveing that some care might be
taken therein—Resolved & Ordered therevpon that the said
Hemsley deliver Unto M^r Attorney Gen^l all such Papers &
Coppyes soe as afores^d bought & received; and that from
henceforward he altogether Surcease from makeing Use of
the same, Under penalty of being proceeded against according
to the Rigour & Severity of the Law.

Provinciall Produced at the Board certain Rules drawne vp
Court Rules for the better Regulateing the Proceedings of the
read & Or- Provinciall Court, the which being read & approved
dered Coppy of by the Board,—their Hono^r^s were pleased to
to be sent to Order as it is hereby Ordered that Coppyes thereof
each County be forthwith made & transmitted to the severall County Courts
&c^a in Order to be there set vp and made publick; and that all
Persons concerned take due Notice of the same accordingly.

Mr Wm Ordered that M^r William Dent be allowed out of
Dent Or- the next publick Leavye to be laid, the Sum^e of One
dered to be thousand Pounds of Tobacco, for his Pains in draw-
pd 1000^l tob ing vp the afores^d Rules of the Provinciall Court.
next Leavy

Presented to the Board the following Certificate relateing
to Dorchester County Parishes laid out according to Act &c^e
p. 84 the which was Ordered to be Entered and is as follows.

Maryland Whereas it is provided by Act of Assembly that
Dorchester the severall & respective Justices & ffreeholders of
County par- each respective County within this Province shall
ishes, Certi- at some convenient time assemble & Meet together
ficate thereof
&c^a

for the Divideing and laying out their severall & respective Counties into severall Districts & Parishes And the said Justices at their soe Meeting & Assembling as aforesaid to the full effecting & accomplishing all & every thing of them by the said Act required should by the Clerk of the said County Enter vpon Record their Proceedings therevpon, and the same soe vpon Record Entered as afores^d cause to be Certified by the said Clerk Under his hand & Seale of such County wherein such Proceedings shall or ought to be Certified as aforesaid. Lib. C. B.

Wee therefore their Ma^{ty} Justices for the County of Dorchester doe hereby humbly Certifye that Wee Henry Trippe, Jacob Lockerman, Henry Hooper, Thomas Ennalls, John Mackeele & William Mishew, their Ma^{ty} Justices for the County of Dorchester as afores^d together with the Hono^{ble} Charles Hutchins Esq^r & severall other the chiefe & principall ffreeholders of the said County did on the first day of ffebruary Annoq Domini 1692 last past Meet together for divideing the said County into severall Districts & Parishes pursueant to the said Act and that Wee the said Justices & ffreeholders as aforesaid by a Mutuall & Unanimous consent did Agree & consent Unto that the said County of Dorchest^r should be Divided into two severall Districts and Parishes by a Divisionale Line drawne from the Mouth of Little Choptanck River binding therewith to the head of the said River from thence with a streight Line drawne to the head of the North branch of Black Water River to a plantation now in the Tenure or occupation of Benjamin Hunt of this County thence runing downe the said River on its severall Courses to the Mouth of the same, the Eastermost of which Parishes is named and called by the Name of Great Choptanck Parish, the other Parish is called & knowne by the Name of Dorchester Parish, and that the ffreeholders of the Parish of Great Choptanck doe Give their Meeting & Attendance at the Towne of Cambridge within the said Parish, on the first Saturday in March next to Choose Vestrymen for the said Parish of Great Choptanck. And that the ffreeholders of Dorchester Parish doe likewise Meet & give their Attendance at the Towne of Dorchester, on the second Saturday in the said Month of March in Order to the Chooseing Vestrymen for the said Parish of Dorchester as by the said Act is required, All which proceedings by the said Justices and ffreeholders as aforesaid for the said County of Dorchester was by the said Justices Ordered to be Entered Upon Record which is accordingly done, and the which I doe here humbly Certifye vnder my hand & County Seale this tenth day of June, Annoq Domini 1693. p. 85

Sigill

Hu: Eccleston Clk Com Dor. p. 86

C. B. At a Council held at Battle Towne the 14th day of June in the Sixth year of the Reign of our Sovereign Lord & Lady William & Mary King & Queen of England &c^a Annoq Dni 1694.

Present.

The Hon^{ble} S^r Thomas Laurence Baron^e President.

Coll Nich ^o Greenberry	} Cap ^t John Courts
Thomas Tench Esq ^r	
Cap ^t John Addison	

Indians
sent from
Piscattoway
ffort &c^a

Three Indians from the Empero^r of Piscattoway, Named John Mountague, Nepawenats Jack & Jack Morris, appeare at this Board vpon Acco^t of an English Man killed by some Indians in Charles County. They are demanded to produce the Articles of peace concluded with that Nation which were accordingly produced & read Unto them. They are asked what authority & Power they have from their Empero^r to Act in this Affaire vpon which they appeare here, and it is Answered they were sent from their Empero^r to knowe what is required of them & that they had noe power from their Empero^r to Give any further Account, save the knowing the Demands of the Board—Resolved & Ordered therevpon as it is hereby Ordered that Cap^t John Addison together with the High Sherriffe of Charles County, Maj^r James Smallwood & M^r John Stone Meet at the house of M^r William Hutchinson in the said County Wednesday next, and from thence Repaire to the Empero^r of Piscattoways ffort, and there Demand of the Empero^r & his Great Men to surrender vp the Anacostin King, suspected about the aforementioned Murther together with the Murtherers; pursueant to the Articles of peace concluded with them by this Governm^t in Order to be proceeded against according to Law, and vpon such surrender made, to be Comitted to the Custody of the said Sherriffe, by him to be close kept Untill delivered by due course of Law.

Cap^t Addison Ordered
to Raise 6

a. 38 Men &c^a Vpon Representation, Ordered that Cap^t John Addison take care to Raise ffive Men & a Captain to Range from the ffalls of Potomock to the ffalls of Petuxant or in other places where it shall be Needfull to make quest after all skulking Indians, and that the said Rangers be placed where the said Cap^t Addison shall direct; to be continued till the last of October.

Coll Green-
berry Em-
powered to
raise 12
Men &c^a

Ordered that Coll Nich^o Greenberry, vpon any occasion that to him shall seem Meet & convenient have hereby full Power to Raise Twelve Men Viz^t Six in Ann Arrundell and six in Baltemore County

to be employed to Range according to the Directions of the Lib: C. B.
said Coll Greenberry, and to be continued as long as he shall
see it Needfull or Necessary to be paid by the Countrey.

Scaries & Navall Officers Bonds
dd at the Board to be Recorded
Delivered at the Board by Coll Nich^o Greenberry
the hon^{ble} the Sc^aries Bond for performance of his
Office together with Esq^r Plater & Maj^r Kings
Navall Officers Bonds, to be Entered vpon Record
according to former Order.

Maryland ss
S^r Tho
Laurence
Scaris Bond
Know all Men by these Presents that I S^r Thomas
Laurence Baron^t Secretary of their Ma^{ty} Province of
Maryland am held & firmly bound Unto their sacred
Ma^{ties} King William & Queen Mary &c^a in the full Sum^e of
One thousand Pounds sterling Money of England to be paid
to their said Ma^{ties} their Heirs or Successo^{rs} to the which
paym^t well & truely to be made & done I binde my selfe my
heirs Executo^{rs} & Administrato^{rs} firmly by these Presents,
Sealed with my Seale & Dated this Twelfth day of October
in the ffifth yeare of their Ma^{ties} Reigne Annoq Domini 1693.
The Condition of the above Obligation is such that Whereas p. 89
their Majesties by their Letters Patents have Comitted the
Office of Secretary of Maryland to the above bound S^r Thomas
Laurence to be by him held & Enjoyed dureing their Royall
pleasure, and him the said S^r Thomas Laurence to take &
Receive into his possession & care all the Records, Court
Rolls & other Deeds & Papers therevnto belonging Now the
Condition of this Obligation is such that if the said S^r Thomas
Laurence doe in all things according to the Obligation & Duty
of his said Office well & truely observe, performe & Execute
the same either by himselfe or such Clerks as he will Answer
for without fraud or Covin, and well & truely Resigne &
deliver the same Office & all Records & other Papers, Write-
ings & Deeds which shall be to him delivered together with
what shall be Received Entered or Enrolled dureing his Con-
tinuance therein, when by their Ma^{ties} their heires or Successo^{rs}
he the said S^r Thomas Laurence shall be lawfully discharged
therefrom, That then this Obligation to be Void or else to
Remaine in full force & Virtue.

Sealed Signed & Delivered Thomas Laurence [Seale]
in p^sence of

Nich^o Greenberry
George Plater
Will^m Dent

Lib. C. B. Maryland ss.

p. 90 Esq^r Platers Know all Men by these Presents that Wee George
Navall Plater & Thomas Tench of the Province of Maryland
Officers Esq^r are held & firmly bound Unto their Ma^{ties} King
Bond William & Queen Mary in the full & just Summe of Two
thousand Pounds of good & lawful money of England, to be
paid to them their Heires or Successo^{rs} to the which paym^t
well & truely to be made & done Wee binde Us & either of
Us, our & either of our Heirs, Executo^{rs} Administrato^{rs} joyntly
& severally for the whole and in the whole in the Summe above-
said Sealed with our Seales Dated the Seaventh day of Octo-
ber Annoq Domini 1693.

The Condiçōn of the above Obligation is such that Whereas
the above bound George Plater is Nominated & appointed
Navall Officer for the port of petuxant in the Province afore-
said; Now if the above bound George Plater performe and
discharge the Trust reposed in him and Render a just & true
Account of all Moneys, Dues or other Duties by him Collected
& Received or to be Collected & Received as Navall Officer
to such person or persons qualifeyed to Demand the same when
required then the above Obligation to be Void else to stand,
Remaine & be in full force & Vertue.

Sealed & Delivered
in p'sence of Us

George Plater [Seale]

John Addison
Will^m Dent

Thomas Tench [Seale]

Maryland ss.

p. 91 Majr Kings Know all Men by these Presents that Wee Robert
Navall King and Francis Jenckins of the Province of Mary-
Officers land Gent^l are held & firmly bound Unto their
Bond Ma^{ties} King William & Queen Mary in the full & just Summe
of Two thousand Pounds of good & lawfull Money of England
to be paid to them their Heires or Successo^{rs} to the which
paym^t well & truely to be made & done, Wee binde Us &
either of Us, our & either of our Heirs Executo^{rs} & Adminis-
trato^{rs} joyntly & severally for the whole & in the whole in the
Summe aboves^d Sealed with our Seales Dated the Seaventh
day of October Annoq Dni 1693.

The Condiçōn of this Obligation is such that Whereas the
above bound Robert King is Nominated & appointed Navall
Officer for the County of Somerset in the Province aforesaid
Now if the above bound Robert King performe & discharge
the Trust reposed in him and Render a just & true Account
of all Moneys, Dues, or other Duties by him Collected &

Received as Navall Officer to such person or persons qualified Lib. C. B.
to Demand the same when Required, then the above Obliga-
tion to be Void else to stand, Remaine & be in full force &
Vertue.

Sealed & Delivered
in p'sence of Us

Rob^t King [Seale]

Jn^o West
Charles Tilden

ffra: Jenckins [Seale]

Adjourne till 5 Clock in the Afternoon

Afternoon 5 Clock

Councill Mett & Satt & were p'sent as before.

Read two Letters from the Governo^r of New Yorke Dated
2^d of March & 24th of May last past, relateing to some further p. 92
Supplye from this place towards their Assistance.

Ordered that an Answer to the same be sent to
acquaint his Excellency with the present indigency
and want of a Banck to give any present assistance,
but as soon as the Governo^r Comissionated for this
Province Arrives, whoe is now here dayly Expected the w.
Matter will be Represented to the Assembly and then a
further Answer shall be Given.

Delivered at the Board the Collector of New Yorkes Receipt w.
for 250^l 8d sterl thither Remitted from this Governm^t by the
hands of M^r Roger Newman, the Teno^r whereof follows in
these Words, Viz^t

Received from Roger Newman Esq^r Nine Setts of
Bills of Exchange drawne by severall Persons on
Merchants in England & Boston in New England,
all Three Bills to each Sett, for severall Sumes, the
whole amounting to Two hundred & ffifty Pounds Eight shill
and ffour pence, being sent by the Governm^t of Maryland,
pursueant to their Ma^{ties} Letter of the first of March 1692/3 to
the said Governm^t toward the Defence of this Province of New
Yorke against the ffrench and Indians, I say Rec^d the thirtieth
of Aprill 1694 p me

Coll
Chad Brook Rec^r Gen^l

Lib. C. B. Mr Newmans Receipt to be Redelivered him Ordered that M^r Newmans Receipt passed for the true Delivery of the same, be Redelivered him by the Clerk of this Board.

p. 93 Comission p St Ma: County Court to be altered & Rectified Vpon Representation, Ordered that M^r Joshua Guibert lately put into the Comission of S^t Maries County Court be Razed out and M^r Benjamin Hall put in his stead, and that a Mistake in placeing M^r Briscoe before Cap^t Greenhalgh be likewise Rectified.

Court of Admiralty Comission Appointed Vpon the Motion & Representation of George Plater Esq^r on behalfe of Cap^t Hurle Ordered that a Court of Admiralty Comission be Prepared for Tryeall of a Prize ship taken by the said Captain Hurle from the ffrench, constituteing & appointing M^r John Watson M^r John Lowe M^r Sam^l Watkins, Cap^t Edward Greenhalgh & Cap^t Thomas Waughop Comission^{rs} & Justices for the said End & purpose.

Warrant issued to the Sherriffe of Calvert County for the imediate apprehending & bringing before this Board Thomas Johnson of the said County to Answer to such things as on their Ma^{ties} behalfe shall be objected against him.

Tho: Johnson Comitted to the Custody of the Sherriffe Came & appeared at the Board the aforesaid Thomas Johnson in the Custody of the said Sherriffe and was read Unto him a Deposition sworne to by Doctor Symon Wotton relateing to Rebellious & Treasonable Words spoken and Uttered by the aforesaid Johnson. Ordered therevpon as it is hereby Ordered that the said Johnson still Remaine in the Custody of the Sherriffe, Untill he Give Good & sufficient Security or Enter into Recognizance himselfe in the Summe of ffive hundred Pounds sterling, and his Two security in the Summe of Two hundred & ffifty Pounds sterling each for his Appearance at the next Provinciaall Court to Answer the same & in the meane time to be of good behaviour.

p. 94 Doctr Wotton Enters into Recogn in 200^l sterl to appeare &c^a Then Came Doctor Symon Wotton and acknowledged himselfe to be oweing & indebted Unto our Sovereign Lord the King in the Summe of Two hundred Pounds sterling that he the said Wotton should be & personally appeare at the next Provinciaall Court as Evidence for the King ag^t the aforementioned Thomas Johnson.—

Wm Gilly Ordered that William Gilly, whoe Officiated the Lib. C. B.
 Ordered place of Dorekeeper this present Councill, be allowed
 100l tob; the for his trouble, the Sume of One hundred Pounds of
 next Leavye Tob^o at the next laying of the Leavye.

At a Councill held at Westwood, at the house of Captain John Bayne in S^t Maries County the 29th day of June in the Sixth yeare of the Reign of our Sovereign Lord & Lady William & Mary King & Queen of England &c^a Annoq Dni, 1694.

Present.

The Hon^{ble} S^r Thomas Laurence Baronet, President.

Coll Nich ^o Greenberry	} Cap ^t John Courts	}
Thomas Tench Esq ^r		
Cap ^t John Addison		

Indians from the Emperor of Piscatto- way appeared &c^a with the Anacostin King An Indian called King Peter with five more of the Great Men belonging to the Emperor of Piscattoway appeare here at the Board together with Quassapelagh an Indian comonly knowne & Called by the Name of the Anacostin King. The Articles p. 95 of peace are read Unto them.

They are asked if they will acknowledge those Articles and stand by them; whoe doe joyntly make Answer that they are ready to stand & abide by the same.

Then it is demanded that they Give an Account of the person or persons whoe Comitted the late Murther in Charles County, being justly suspected to be Indians Under their protection, and they make Answer they are ignorant whoe are the parties concerned.

The Anacostin King demanded to be surrender'd vp. Positive Demand is made by the Board that Quassapelagh an Indian now present, comonly knowne and called by the Name of the Anacostin King be Surrendered vp to Receive a Speedy Tryall at Charles County Court house; haveing pregnant Circumstances to suspect the said Quassapelagh to be concerned in the aforementioned Murther; whoe after a long Consultation about the same had, they Consent to deliver vp the said Quassapelagh otherwise called the Anacostin King as a prisoner, pursueant to the aforementioned Articles of peace.

Mittimus Order'd Ordered that his Mittimus be accordingly drawn to be kept in the Custody of the Sherriffe of Charles

Lib. C. B. County Untill he be there Delivered by due course of Law ;
the which accordingly issued in these following Words, Viz^t

Mittimus
&c^a S^r Thomas Laurence Baronet President together
with the rest of their Ma^{ties} Councill of Maryland To
Colonell Humphrey Warren high Sherriffe of Charles County
Greeting You have herewith Under safe & Secure conduct
p. 96 sent you the Body of Quassapelagh an Indian comonly knowne
& called by the Name of the Anacostin King this day Surrendered
vp Unto Vs a prisoner by the Emperor of Piscattoways Great Men
vpon our Demand, suspected to be concerned in a most bloody & horrid
Murther comitted in & vpon the Body of one James Lysle late an Inhabitant
within your County, which said prisoner you are to keepe Under safe & secure
Custody Untill he shall be Delivered from you by due course of Law ;
Given vnder our hands at the Councill Board this 29th day of June in the
Sixth yeare of the Reign of our Soveraign Lord & Lady W^m & Mary King &
Queen of England &c^a Annoq Dni, 1694.

Tho: Laurence
Nich^o Greenberry
Thomas Tench
Jn^o Addison
John Courts
Thomas Brooke.

Coll Warren
Order'd to
Deliver 100l
of shot &c^a
to Cap^t Addison &c^a Ordered that Coll Humphrey Warren forthwith
vpon sight hereof deliver or cause to be Delivered
Unto the Hono^{ble} Cap^t John Addison or Order, One
hundred weight of shot & Bullet for the Use of Cap^t
Richard Brightwell & Rangers in Charles County.

100l of shot
& a barril of
fine powdr
Order'd to
Coll Greenberry &c^a
p. 97 Ordered that there be delivered out of the Magazine at S^t Maries, One Barrell of fine powder, and
One hundred Weight of Bullet & shot, Unto the
Hono^{ble} Coll Nicholas Greenberry or Ord^r for the
Use and defence of Ann Arrundell & Baltimore
Counties.

Sp^{ll} Comission to issue
for Tryall of
the Anacostin King &c^a Ordered that Speciall Comission be Prepared for
the Tryall of Quassapelagh otherwise called the
Anacostin King this day Comitted into the Custody
of the Sherriffe of Charles County suspected about
the Murther of one James Lysle late an Inhabitant of the said
County ; constituteing & appointing M^r John Stone Cap^t W^m
Barton, M^r Henry Hawkins, M^r W^m Hutchinson M^r Robert

Yates & M^r W^m Hatton Justices & Comission^{rs} to have & Lib. C. B.
determine the same as alsoe any other Outrages which have
or shall be Comitted & done by any Indians in those parts, in
violation of the Articles of Peace concluded with them, with
power to punish the same according to the Laws of England
or this Province, pursueant to the aforementioned Articles of
Peace; which Comission to Remain & be in force dureing
pleasure.

Mr Attorney Gen^l Or- Ordered that Mr. Attorney Generall with all expe-
der'd to in- dition inspect & peruse the late Governors Comis-
spect the sion of Vice Admirall of this Province, and make
late Govern- Report of the Power & Nature of the said Comission
ors Commis- to the Hono^{ble} the President, to the End if he see it
sion of Vice necessary & requisite a Comission may forthwith be
Admirall Prepared, pursueant to the same for the Tryall of a
&c^a in Ordr to the Tryall of the Ship taken by
Capt Hurle by him lately brought into this Province; And that
&c^a a former Ord^r of this Board of the 14th of June instant p. 98
relateing to the same be Null and Void: the 12th day of July
next being the time appointed for the said Tryall, at Benedict
Leonard Towne in Calvert County.

S^{ffen} Elec- Vpon Representation of some Gentlemen of the
tion Ordered Council to the Hono^{ble} the President that there is an
12th of July Apparent and absolute Necessity for the imediate
next &c^a appointing & Electing New Sherriffes in compliance to the
Act of Assembly of this Province; for want of which it being
alledged that great Complaints are likely to be made &
Offered from all Parts of the Province—Resolved & Ordered
therevpon that the Councill meet & sit vpon the day & place
aforementioned in Order to Elect Sherriffes accordingly.

Read a Letter sent from the Justices of Calvert County the
Teno^r whereof followed in these Words, Viz^t

Calvert To the Hono^{ble} S^r Thomas Laurence Baron^t Presi-
County dent of their Ma^{ties} Councill of State in Maryland
Justices together with the Rest of the hono^{ble} Members of the
Letter same Councill.

Wee their Ma^{ties} Justices of Calvert County in Obedience to
their Ma^{ty} Comission & faithfullness to their service for doeing
the severall Businesses depending in the said County Court
are Mett & attending vpon the same But calling to Remem-
brance that the last Comission to Maj^r Ninian Beale Sheriffe
of this County expired the last Aprill, And vpon Inquiry

Lib. C. B. finding that he hath not obtained any further Comission for
 p. 99 the same Office from yo^r Hono^r the present Governors of this
 Province, Wee humbly conceive his Returne or serveing of
 any of their Ma^y Comands as Sheriffe will not be sufficient or
 Valid in Law but afford great cause of Error in Proceedings;
 and knowing that this their Ma^y County Court consists of
 Justices, Sheriffe & Clerk, any of which not being duely quali-
 fied according to Law renders the Proceedings Vicious.

Wee humbly Represent the same to yo^r Hono^r and pray
 yo^r advice in the premises that our Proceedings may be Agree-
 able to Law and have at present adjourned the Court for the
 Causes afores^d and in humble expectation of your Hono^r
 favourable interpretation of this our Address and Answer to
 the same, Wee subscribe ourselves,

Dated at the Court house
 in Calvert Towne the 20th
 day of June 1694.
 Directed vpon the back thus,
 To the Hono^{ble} S^r Thomas
 Laurence Baron^t at S^t
 Maries, Present

Yo^r Hono^r
 ffaithfull Servants
 Tho: Tasker
 W^m Parker
 ffra: Hutchings
 Henry Mitchell
 ffra: ffreeman
 John Sollers

Venire
 Ordered to
 issue ag^t
 the afores^d
 p. 100 Justices of
 Calvert
 County
 Ordered that the severall & Respective Justices
 signeing the afores^d Letter be sumoned by their
 Ma^{ties} Writ of Venire to come & appear at the next
 Provinciall Court of this Province to be holden at the
 City of S^t Maries; To Answer to such things as on
 their Ma^{ties} behalfe shall then & there be objected against them.

Edward
 ffilpot
 Ordered
 400^l tob
 Ordered that Edward ffilpot of Charles County be
 allowed out of the next publick Leavy to be laid the
 Summe of flour hundred pounds of Tob^o for himselfe
 & horse goeing an Express to Cap^t Addisons & back again.

At a Councill held at Benedict Leonard Towne in Calvert
 County, at the house of M^r Jonathan Wilson the 14th day of
 July in the Sixth yeare of the Reign of our Sovereign Lord &
 Lady William & Mary King & Queen of England &c^a Annoq
 Domini 1694.

Present,

The Hono^{ble} S^r Thomas Laurence Baron^t p^rsid^t
 Coll Nich^o Greenberry } Cap^t John Courts
 Thomas Tench Esq^t } Thomas Brooke Esq^t }
 Cap^t John Addison }

Produced & read a former Order of this Board relating to the Election of Sherriffes, dated the 29th of June last past; and

Lib. C. B.

The Board
proceeds to
the appoint-
ing New
Sherriffes
therevpon the Board proceeds to the Nominating & appointing New Sherriffes for the severall & Respective Counties within the Province.

Severall Persons being proposed to Execute the Office of Sheriffe within the County of S^t Maries for the yeare ensueing; Cap^t John Bayne at last by the Unanimous consent of the severall Members present in Councill was appointed Sheriffe of the said County, the hono^{ble} the President onely excepted, whoe Ordered his dissent thereto to be Entered. p. 101

for Charles County was appointed M^r John Stone.
for Ann Arrundell County—Cap^t W^m Holland
for Baltemore County, Maj^r John Thomas.
for Cecill County—M^r John Carvile
for Kent County—M^r Daniell Norris
for Talbot County—M^r James Smith.
for Dorchester County—Doct^r Jacob Lockerman.
for Somerset County—M^r Ephraim Wilson.

M^r William Parker of Calvert County being represented by severall of the Inhabitants thereof to be a fit person for Sherriff of the said County was for sometime objected against by the Board, for that he the said Parker was by an Order of this Board, of the 29th of June last past Required to be and appeare at the next Provinciaall Court, haveing been concerned together with severall others of the Comission^{rs} of that County Court in signeing to a Refractory sort of an Address then produced in Councill: however Resolved that the said Parker be Comissionated Sherriffe of the said County for the ensueing yeare, vpon acknowledgment of his offence & makeing submission before this Board the which he accordingly performed expressing himself sorry for the same.

Sherriffes Com-
missions Or-
dered to be
prepar'd to
pass the
Broad Seale

Ordered that Comissions be forthwith prepared to pass the Broad Seale, to constitute the severall fore-named persons, Sherriffes within the severall & respective Counties according to appointm^t which said Comissions they are to Receive at the next County Court to be held in the Month of August, at which time the Comission^{rs} are hereby obligated to take Bond with two sufficient Securities, for the due Execution of their said places; the Sherriffe of S^t Maries, Calvert, Ann Arrundell, Talbot & Somerset giving Bond to the Summe of Three hun- p. 102

Lib. C. B. dred thousand Pounds of Tob^o and the Sherriffes for the rest of the Counties, in the Sum^e of Two hundred thousand pounds of Tobacco.

Sr Tho:
Laurence
Order'd to
deliver pow-
der & Ball
to Coll Hut-
chins & Coll
Browne
Ordered that S^r Thomas Laurence deliver as much powder & Ball as is represented by Coll Hutchins & Coll Browne to be Necessary & wanting in Dorchester and Somerset Counties for the defence & Security of those parts.

Cap^t Addi-
son & Cap^t
Holliday
Empower'd
to Examine
Witnesses
abt the
Murther of
Lysle
Ordered that Cap^t John Addison of Charles County and that Cap^t Thomas Holliday of Calvert County have hereby full Power to Examine the Widow of James Lysle as Evidence ag^t the Anacostin King, suspected to be concerned in the Murthering her husband ; as likewise all other Evidence or Evidences which shall be produced before them in that behalfe.

Addition of 1
Barrell of fine
powder &
50^l of shot
to Coll
Greenberry
p. 103
Ordered that there be delivered to Coll Nich^o Greenberry or Ord^r one barrell of fine powder & fifty Weight of shot more than what was afore Ordered him by this Board.

Coll Beale
Ordered 1
Barrell of
powdr &
100^l shot.
Ordered that there be care taken to send one barrel of fine powder & 100^l of shot & bullet to M^r Platers at Petuxant, by him to be delivered Unto Coll Ninian Beale for the defence & security of Calvert County.

Comission
for Tryall of
the Indian
Ordered to
pass the
Seale
Produced the Comission for Tryall of the Anacostin King, being read was Ordered to pass the Broad Seale with blanck to be left for the time of Tryall.

Ord^r p tes-
tamentary
pceedings
lyeing
lodged in
the Counties
to be trans-
mitted to
the Comis-
saries Office
Vpon Representation of the Comissary Gen^l of this Province; Ordered that the Justices & Comissioners of the severall & respective Counties within the same doe immediately vpon sight hereof direct & Order the severall Clerks belonging to their Courts to inspect and Examine their Records & Papers for all Testamentary Proceedings in their severall Courts taken & had, dureing the time of the Revolution and that the severall Records & papers touching Probat of Wills &c^e they cause, (with all possible expedition) to be duely & carefully returned (if such Records lay not intermixed with Business of another nature, in which case true Coppyes of the same are to be transmitted, Attested Under the s^d Clerks hands & County

Seale) Unto the Comissaries Office at the City of S^t Maries, Lib. C. B.
there onely to Remaine & be kept.

Embargoe
vpon Ves-
sells. Ordered that an Embargoe & stop be put vpon p. 104
all Vessells bound out of this Province for Europe
after the 23th of this instant July Untill further Ord^r
and that in the interim noe such Vessell be cleared without
giveing Bond to goe downe to Point Comfort in Virginia to
joyne the ffeet there now rideing, being Ordered by his
Ex^{ty} S^r Edmond Andros the said time prefixed to Sayle.

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON, ESQ.
Governor.

1694-97.

Note where you find the Word, Whitehall, in the Marjant of Lib. H. D.
the Ensuing Proceedings of this Booke, it is to signifye that
such Clauses & passages, as are so Marked, have been sent
for England to the R^t Hono^{ble} the Lords of the Comitte of
Trade & Plantations & their Ma^{ty} Principle Secretary of State,
Pursuant to their Sacred Ma^{ty} Royall Instructions

Hen: Denton
C of Concil.

At a Councill held at the City of S^t Maries, at the Councill p. 1
Chamber, the 26th day of July in the Sixth yeare of the Reigne
of our Sovereign Lord & Lady William & Mary King &
Queen of England &c^a Annoq Domini 1694.

Present

The Hono^{ble} S^r Thomas Laurence Baron^e President.

Coll Henry Jowles	} Cap ^t John Addison	}	
Coll George Robotham			Cap ^t John Courts
Coll Nich ^o Greenberry			Thomas Brooke Esq ^r
Thomas Tench, Esq ^r			James ffrisby Esq ^r

francis
Nicholson
Esq^r his
Comission
for the Gov-
ernm^t Rnd

His Excellency francis Nicholson Esq^r likewise
Came & produced to the Board their Ma^{ty} Comission
vnder the Broad Seale of England, Dated the Tenth
day of febr^y in the fifth yeare of their said Majesties
Reigne &c^a whereby (Upon inspection of the same
had) was signified their Royall Will and pleasure of Comitting
the Care & Charge of the Governm^t of this their Province and
Territory of Maryland unto the said francis Nicholson Esq^r

Whitehall

The said Comission Runes in these following Words Viz^t

[Commission of Governor Nicholson.]

William and Mary by the Grace of God King & Queen of
England, Scotland, France and Ireland Defenders of the ffaith
&c^a To our Trusty & welbeloved francis Nicholson Esq^r
Greeting Wee Reposing Especiall Trust & Confidence in the
prudence Courage & Loyalty of you the said francis Nicholson

Lib. H. D. out of our Especiall Grace certain knowledge & Meere Motion Have thought fit to Constitute and Appoint and by these presents doe Constitute & Appoint you the said ffancis Nicholson to be our Captain Generall & Governor in Cheife and over our Province & Territory of Maryland in America And Wee doe hereby Require & Comānd you to doe & Execute all things in due manner shall belong vnto your said Comānd and the Trust We have Reposed in you according
 p. 2 to the severall Powers & Directions Granted or Appointed you by the Comission and the Instructions herewith Given you or by such further powers Instructions & Authorities as shall at any time hereafter be Granted or Appointed you vnder our Signet & Signe Manuall or by our Order in our privy Councill and according to such Reasonable Laws and Statutes as are now in force or hereafter shall be made and Agreed Upon by you with the Advice & Consent of the Councill & Assembly of our said province Under your Governm^t in such manner & forme as is hereafter Expressed And Wee doe hereby Give & Grant full power vnto you the said ffancis Nicholson after you shall have first taken an Oath for the due Execution of the Office & Trust of our Captain General & Governor in Cheife in and over our said province & Territory of Maryland which our Councill or any ffive of them have hereby full power & Authority and are Required to Administer vnto you to Give & Administer to each of the members of our said Councill the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy as also the Test and the Oath for the due Execution of their places and Trusts And Wee doe hereby Give & Grant Unto you full power & Authority to Suspend any of the Members of our said Councill from siting Voting and assisting therein if you shall find just Cause for so doing And if it shall at any time happen that by the Death departure out of our said province or suspension of any of our Councillors there shall be a Vacancy in our said Councill any three whereof Wee do hereby Appoint to be a Quorum Our Will & pleasure is that you signifye the same Unto Us by the first opportunity that Wee may vnder our Signet & Signe Manuall Constitute & Appoint others in their stead But that our Affaires at that distance may not suffer for want of a due Number of Councillors if Ever it shall happen that there be less than Seven of them Residing in our said Province Wee doe hereby Give & Grant vnto you full power & Authority to Choose as many persons out of the principall freeholders Inhabitants off thereof as will make vp the full Number of our said Councill to be Seaven and no more which persons by Virtue of such Choice shall be to all intents & purposes

Councillors in our said province Untill they shall be Confirmed Lib. H. D.
by vs or that by the Nomination of others by vs vnder our
Signe Manuall & Signet the said Councill shall have Seaven
persons in it And Wee doe hereby Give & Grant Unto you p. 3
full power & Authority with the Advice & consent of our said
Councill from time to time as need shall Require to Sumon &
Call Generall Assemblies of the ffreeholders within your
Governm^t according to the Usage of our Province & Territory
of Maryland Our Will & Pleasure is that the persons therevpon
duly Elected by the Major part of the ffreeholders of the
respective Counties and places and so Returned And having
before their siting taken the Oaths appointed by Act of Par-
liam^t to be taken instead of the Oaths of Allegiance &
Supremacy as also the Test which you shall Comissionate fit
persons vnder our Seale of Maryland to Administer vnto them
and without taking which none shall be Capable siting though
Elected shall be Called and held the Generall Assembly of
that our province And that you the said ffrancis Nicholson by
and with the consent of our said Councill & Assembly or the
Major part of them respectively have full power & Authority
to make Constitute & Ordaine Laws Statutes & Ordinances
for the publick peace Welfare & good Governm^t of our said
Province and the people and Inhabitants thereof And such
others as shall Resort thereto and for the benefit of Us our
heirs & Successors Which said Laws Statutes & Ordinances
are to be as neare as may be Agreeable to the Laws & Statutes
of this our Kingdome of England Provided that all such Laws
Statutes & Ordinances of what Nature or duration soever be
within three Months or sooner after the making thereof
Transmitted Unto Us vnder our Seale of Maryland for our
Approbation or disallowance of the same as also Duplicates
thereof by the next Conveyance or if it shall happen that dur-
ing this time of Warr no shipping shall Come from our said
province within three Months after the making such Laws
Statutes & Ordinances whereby the same may be transmitted
as afors^d that then the said Laws Statutes & Ordinances be
Transmitted Unto Us by the next Conveyance after the making
thereof for our Approbation or disallowance of the same And
in case any or all of them being not before Confirmed by Us
shall at any time be disallowed & not Approved and so signi-
fied by vs our Heirs & Successors Under our or their Signe
Manuall & Signet or by Order of our or their privy Councill
Unto you the said ffrancis Nicholson or to the Comander in
Cheife of our said province for the time being then such &
soe many of them as shall be so disallowed and not Approved
shall from thence for Cease, determine & become Utterly p. 4
Voyd & of None Effect any thing to the contrary thereof

Lib. H. D. Notwithstanding And to the End Nothing may be passed or
 P. 4 done by our said Councill or Assembly to the prejudice of Vs
 our Heirs or Successors Wee Will and Ordaine that you the
 said ffrancis Nicholson shall have & Enjoy a Negative Voyce
 in the Making and passing of all Laws Statutes & Ordinances
 as aforesaid And that you shall and may likewise from time
 to time as you shall Judge it Necessary Adjourn prorogue
 and Dissolve all Generall Assemblies as aforesaid And our
 Will & Pleasure is that you shall and may Keepe & Use the
 publick Seale Appointed or to be Appointed by Vs for our
 Province of Maryland And Wee doe further Give & Grant
 vnto you the said ffrancis Nicholson full Power & Authority
 from time to time and at any time hereafter by yourself or by
 any other to be Authorized by you in that behalfe to Admini-
 ster and Give the Oaths Appointed by Act of Parliament to
 be taken instead of the Oaths of Allegiance & Supremacy to
 all & every such person or persons as you shall think fit who
 shall at any time or times pass into our said province or shall
 be Resident or abiding there. Wee doe further Give & Grant
 vnto you full power and Authority with the advice & consent
 of our said Councill to Erect Constitute & Establish such &
 soe many Courts of Judicature and publick Justice within our
 said Province and Territory Under your Governm^t as you and
 they shall think fit and Necessary for the hearing & determin-
 ing of all Causes as well Criminall as Civill according to Law
 and Equity and for Awarding of Execucōn therevpon with all
 Reasonable & Necessary powers Authorities ffees & priviledges
 belonging Unto them as also to Appoint & Comissionate fit
 persons in the severall parts of your Governm^t to Administer
 the Oaths Appointed by Act of Parliament to be taken instead
 of the Oaths of Allegiance & Supremacy and the Test Unto
 such as shall be oblidged to take the same And Wee doe
 hereby Authorize & Impower you to Constitute and Appoint
 Judges Justices of the peace and other Necessary Officers and
 Ministers in our province for the better Administration of
 Justice and putting the Laws in Execucōn And to Administer
 to them such Oath or Oaths as are Usually Given for the due
 Execucōn & performance of Offices & places and for the
 Clearing of Truth in Judiciall Causes Wee doe further by
 these presents Will & Require you to permitt Appeales to be
 made in Cases of Error from our Courts in Maryland Unto
 our Governor & Councill in Civill Causes Provided the Value
 Appealed for doe Exceed the Sumē of One hundred pounds
 sterl And that security be first duly Given by the Appellant to
 Answer such Charges as shall be awarded in case the first
 Sentence shall be Affirmed And Whereas Wee Judge it
 Necessary that all our Subjects may have Liberty to Appeal

Unto Us in cases that may Require the same Our Will & Lib. H. D.
Pleasure is that if either party shall not rest satisfied with the
Judgem^t or Sentence of our Governor or Councill they may p. 5
then Appeal Unto Us in our privy Councill Provided the
Matter in difference Exceed the Reall Value and Summe of
Three hundred Pounds sterling and that such Appeal be made
within one fortnight after Sentence and that Security be like-
wise duly Given by the Appellant to Answer such Charges as
shall be Awarded in Case the Sentence of the Governor &
Councill be Confirmed And Provided also that Execucōn be
not suspended by Reason of any such Appe Unto Vs And
Wee doe hereby Give & Grant Unto you full power and
Authority where you shall Judge any Offender or Offenders
in Criminall Matters or for any ffynes or fforfeitures due vnto
Vs fit Objects of Mercy to Pardon & Remitt all such Offences
ffynes or fforfeitures before or after Sentence Given Treason
& Willfull Murder only Excepted in which Cases you shall
likewise have power vpon extraordi Occasions to Grant
Reprieves to the Offenders Untill our Royall pleasure may
be knowne therein And Wee doe by these presents Authorize
& Impower you to Colat any Person or Persons in any
Churches Chapels or other Ecclesiasticall Benefices within our
Province & Territory aforesaid as often as any of them shall
happen to be Voyd And Wee doe hereby Give and Grant
Unto you the said ffancis Nicholson by your selfe your
Captains & Comāders by you to be Authorized full power
& Authority to Levy Arme Muster Comānd & Employ
all persons whatsoever Residing within our said Province &
Territory vnder your Governm^t and as Occasion shall serve
them to Transfer from one place to another for the Resisting
& withstanding of all Enemies Pyrats & Rebels both at Sea
and at Land And to Transport such fforces to any of our
Plantations in America as occasion shall Require for the
Defence of the same against the Invasion or Attempts of any
of our Enemies And such Enemies Pyrats & Rebels if occa-
sion shall Require to pursue and prosecute in or out of the
Limits of our said province and plantacōns or any of them
And if it shall please God them to Vanquish Apprehend &
take And being taken either according to the Law of Armes
to put to Death or keepe & preserve alive at your discretion
And to Execute Marshall Law in time of Invasion Insurrection
or Warre as also vpon Soldiers in pay And to doe & Execute
all and every other thing or things which to a Captain
Generall Doth or ought of Right to belong as fully and
amply as any our Captain Generall doth or hath Usually done
And Wee doe hereby Give and Grant Unto you full power &
Authority to Erect Raise & build in our province & Territory

Lib. H. D. afores^d such and so many fforts platforms Castles Cityes
 p. 6 Burroughs Townes & flortifications as you by the Advice
 afores^d shall Judge Necessary And the same or any of them to
 ffortifye and furnish with Ordinance Amunicōn & all sorts of
 Armes fit and Necessary for the security and defence of our
 said province. And forasmuch as divers Mutinyes & disorders
 doe happen by persons shipped and Imployed at Sea And to
 the End such as shall be shipped or Imployed at Sea may be
 the better Governed & Ordered. Wee doe hereby Give &
 Grant Unto you the said ffrancis Nicholson our Captain
 Generall and Governor in Chiefe full power and Authority to
 Constitute and Appoint Captains Leivetenants Masters of
 ships and other Comānders And to Grant such Captains
 Lieutenants Masters of ships & other Comānders Comissions
 to Execute the Law Martiall and to Use such proceedings
 Authorityes punishment Correction & Execucōn vpon any
 Offender or Offenders which shall be Mutinous Seditious dis-
 orderly or any way vnruely either at Sea or during the time of
 their abode or Residence in any of the Ports Harbours or
 Bays of our said province or Territory as the Cause shall be
 found to Require according to Martial Law Provided that
 Nothing herein contained shall be Construed to the Enabling
 you or any by your Authority to hold plea or have Jurisdiction
 of any Offence Cause Matter or thing Comitted or done vpon
 the High Sea or within any of the harbours Rivers or Creekes
 of our said province or Territory vnder your Governm^t by any
 Captain Comānder Lieutenant Master or other Officer Seaman
 Soldier or person whatsoever who shall be in Actuell service
 & pay in and on Board any of our ships of Warr or other
 vessells Acting by imēdiate Comission or Warrant from our
 Comissioners for Executing the Office of our high Admirall of
 England vnder the Seale of our Admiralty or from our high
 Admirall of England for the time being. But that such
 Captain Comānder Lieutenant Master Officer Seaman Soldier
 & other person so offending shall be left to be proceeded
 against & Tryed as the Merit of their offences shall Require
 either by Comission vnder our Great Seale of England as the
 Statute of the Eight & twentieth of Henry the Eight Directs
 or by Comission from our High Admirall according to the Act
 of parliament passed in the thirteenth yeare of the Reigne of
 the late King Charles the second of blessed Memory Intituled
 an Act for the Establishing Articles & Orders for the Regu-
 lateing and better Governm^t of his Majesties Navys ships of
 Warr and fforces by Sea and not otherwise Saving only that
 it shall and may be Lawfull for you vpon any such Captain or
 Comānders Refusing or Neglecting to Execute or vpon his
 Negligent or Undue Execucōn of any of the written Orders he

shall Receive from you for our service and the service of our Lib. H. D.
said Province to Suspend him the said Captain or Comander p. 7
from the Exercise of his said Office of Comander and Comitt
him into safe Custody either on Board his owne Shipp or else
where at your discrecōn in Order to his being brought to
Answer for the same by Comission either Under our Great
Seale of England or from our said High Admirall as is before
Expressed in which Case Our Will & Pleasure is that the
Captain or Comander so by you suspended shall during such
his suspension & Comittm^t be succeeded in his said Office by
such Comission or Warrant Officer of our said Shipp Appointed
by our Commissioners for Executing the Office of our high
Admirall of England or by our high Admirall of England for
the time being as by the known practice and disciplin of our
Navy Does and ought next to succeed him as in case of death
sickness or other Ordinary disability happening to the Com-
ander in Cheife of any of our said Shippes of Warr and not
otherwise You standing also Accountable to Vs for the truth
and Importance of the Crimes & Misdemeanours for which
you shall so proceed to the suspending of such our said
Captain or Comander Provided also that all such Disorders
and Misdemeanors Comitted on shoare by any Captain
Comander Lieutenant Master or other Officer Seaman Soldier
or person whatsoever belonging to any of our shippes of Warr
or other vessells Acting by imēdiate Comission or Warrant
from our Comissioners for Executing the Office of our High
Admirall of England Under the Seale of our Admiralty or
from our High Admirall of England for the time being may
be tryed & punished according to the Laws of the Place
where any such disorder Offences & Misdemeanors shall be
so Comitted on Shore Notwithstanding such Offenders be in
our Actuell service and borne on and in pay on Board any
such our Shippes of Warr or other Vessells Acting by imēdiate
Comission or Warr from our Comissioners for Executing
the Office of our High Admirall or our High Admirall as
aforesaid so as he shall not Receive any Protection for the
avoiding of Justice for such Offences Comitted on shore from
any pretence of his being Employed in our service at Sea
Wee doe hereby Give you full power & Authority to Appoint
ffaires Marts & Markets as also such & so many Ports Har-
bours Bays Havens & other places for the Convenience and
Security of shipping and for the better Loading & Unloading
of Goods and Merchandizes as by you with the Advice and
Consent of the said Councill shall be thought fit & Necessary p. 8
And in them or any of them to Erect Nominate and Appoint
Custom houses Warehouses & Officers Relating therevnto
And them to alter Change or displace from time to time as

Lib. H. D. with the Advice aforesaid shall be thought fit Wee doe further by these presents Will Require and Comand you to take all possible Care for the discountenance of Vice & Encouragement of Virtue and good living that by such Examples the Infidells may be invited & desire to partake of the Christian Religion And Wee doe hereby Require and Comand all Officers & Ministers Civill & Military and all other Inhabitants of our said Province and Territory to be obedient Ayding and assisting Unto you the said ffrancis Nicholson in the Execucōn of this our Comission and of the powers and Authorities therein contained And in Case of your death or absence out of our said Province to be obedient Ayding and assisting vnto such person as shall be Appointed by vs to be Comander in Cheife To whome Wee doe therefore by these presents Give and Grant all and singular the powers and Authorityes aforesaid to be Executed & Enjoyed by him during our pleasure or vntill your Arrivall within our said Province of Maryland Provided alwayes that Nothing herein Contained shall be Construed or taken to Diminish or alter the powers formerly Granted to our Trusty & well beloved S^r Edmund Andros Knight by our Comission Unto him bearing Date the third day of March One thousand six hundred ninety one in the ffourth yeare of our Reigne But that the said S^r Edmund Andros vpon the death or absence from America of you the said ffrancis Nicholson shall take vpon him the Cheife Comand of our said province and Execute the powers of this our Comission as Wee doe hereby likewise Will and Comand that our Comission bearing Date the ffourteenth day of November in the first yeare of our Reigne constituting you our Lieutenant Governor of our Dominion and Colony of Virginia doe Cease & Determine from the Date of these presents Except vpon the Death or absence from America of the said S^r Edmond Andros In which Case Our Will & Pleasure is that you take vpon you the Cheife Comand of our said Dominion and Execute the Powers of our Comission Given to the said S^r Edmund Andros Untill our Pleasure be knowne And if vpon the death or absence of you the said ffrancis Nicholson out of our said Province of Maryland there be noe person Comissionated or Appointed by vs to be Comander in Cheife of our said province Our Will and Pleasure is that the then present Councill of that our Province Doe take vpon them the Administracōn of the Governm^t and Execute this Comission and the severall powers & Authorityes therein

P. 9 Contained And that the first Councillor whoe shall be at the time of your Death or absence Residing within our Province of Maryland Doe Preside in our said Councill with such powers & preheminences as any former president hath Used

and Enjoyed within our said province or any other our Plantations in America vntill our Pleasure be further knowne or your Arrivall as aforesaid Lastly Wee doe hereby Declare Ordaine and Appoint that you the said ffancis Nicholson shall & may hold Execute & Enjoy the Office & place of Captain Generall and Governor in Cheife in and over our province & Territory of Maryland together with all and singular the Powers & Authorityes hereby Granted vnto you for & during Our Will & pleasure In Witness whereof We have Caused these our Letters to be made Patents Witness our Selves at Westminister the Tenth day of february in the fifth yeare of our Reigne.

E: Bute

Per Breve de Privato Sigillo.

Afterwards Produced their Ma^{ties} Comission Under the Seale of the High Court of Admiralty in England Dated the fifth day of March Anno 1693, Giveing ample power and Jurisdiction vnto the aforenamed ffancis Nicholson Esq to Exercise Vse and Enjoy the Authority & Right of a Vice Admirall here within all the Limits & precincts of the aforesaid Province.

The Comission Runes in these following Words, Viz^t

Governor
Nicholson's
Comission
of Vice
Admirall

Gulielmus & Maria Dei Gratia Angliæ Scotiæ
ffranciæ & Hiberniæ Rex & Regina fidei defensores
&c^a Dilecto nobis ffancisco Nicholson Armigero
Salutem ad Cognoscendum & Procedendum in
quibuscunq. Causis Civilibus & Maritimis atq. Querelis Contractibus Delictis seu quasi Delictis Criminibus placitis Debitis Excambiis Computis Chartis partitis Conventionibus Litibus transgressionibus injuriis Extortionibus & Demandis ac Negotiis Civilibus & Maritimis Motis seu Movendis quibuscunq. inter Mercatores aut inter Proprietarios Navium & aliorum Vasorum et Mercatores seu alios quoscunq. cum eisdem Dominis & Proprietariis Navium et Cæterorum Vasorum quorumcunq. infra Jurisdictionem Maritimam Admiraltatis Nostræ Provinciæ et Territorii Nostrorum de Maryland in America Occupatorum vel Vsitatorum seu inter quascunq. alias personas qualitercunq. habitis factis initis seu Contractis pro aliqua Re Materia Causa vel Negotio seu injuria quacunq. infra Jurisdictionem Nostram Maritimam prædict. expeditis seu expediendis vna cum omnibus et singulis suis incidentibus Emergentibus dependentibus Annexis & connexis Causis quibuscunq. Ubicunq. seu qualitercunq. hujusmodi Causæ querelæ Contractus & alia

Lib. H. D. præmissa supradict. vel eorum aliquod Oriri Celebrari contrahi vel fieri contingat juxta jura Statuta Leges Ordinationes et consuetudines ab Antiquo observatas audiendum et terminandum Ac insuper in Omnibus et singulis querelis contractibus Conventionibus ac Causis et Negotiis Civilibus et Maritimis vltra Mare perficiendis vltra Mare Contractis qualitercunq. emergentibus seu contingentibus ac etiam in Cateris Causis et Materiis omnibus et singulis qua Jurisdictionem Maritimam Admiralitatis nostræ prædict. in dictis Provincia et Territorio Nostris de Maryland et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. quovismodo Tangunt seu aliquo Modo concernunt vel ab antiquo pertinere debuerunt aut debent Et generaliter in omnibus et singulis aliis Causis Litibus Criminibus Delictis Excessibus injuriis querelis Maleficiis seu quasi Maleficiis transgressionibus Regratoriis fforstallariis et Negotiis Maritimis quibuscunq. per Loca prædict. infra Jurisdictionem Maritimam Admiralitatis Nostræ provinciæ Territorii Nostrorum de Maryland prædict. per Mare vel aquam aut Ripas seu Littora eorundem qualitercunq. factis Comissis perpetratis aut emergentibus Nec Non ad inquirendum per Sacramentum proborum et legalium hominum de dictis Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. tam infra Libertates et ffrancheis quam extra Ubilibet Comorantium tam de omnibus et singulis quæ de Jure Statutis Legibus Ordinationibus vel consuetudinibus ab Antiquè observatis inquiri solent vel deberent quam de Wrecco Maris ac de omnibus et singulis Bonis et Catallis quorumcunq. Proditorum piratarum homicidarum et felonum qualitercunq. infra Jurisdictionem Maritimam Admiralitatis Nostræ provinciæ et Territorii Nostrorum de Maryland prædict. delinquentium ac de bonis Debitis et Catallis Omnium et singulorum Eorum manutinentium Accessariorum consulentium auxiliantium vel assistentium quorumcunq. Atque etiam de Bonis Debitis et Catallis quorumq. personarum ffelonum de se et Cujuslibet Personæ ffelonis de se infra Jurisdictionem Nostram Maritimam prædict. quovismodo seu qualitercunq. ad

p 11 Mortem devenientium Ubicunq. Bona Debita et Catalla hujusmodi aut aliqua parcella Eorundem per Mare Aquam vel Terram in dictis Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis Eorundem et eisdem adjacentibus quibuscunq. tam infra Libertates et ffrancheis quam extra fuerint inventa seu invenienda forisfacta seu forisfacienda vel Existencia quæcunq. Et etiam de Bonis Debitis et Catallis quarumcunq. aliarum personarum felonum de se et cujuslibet alterius Personæ felonis de se infra Jurisdictionem Nostram Maritimam prædict. Repertis seu Reperiendis contingentibus

quibuscunq. Et præterea tam de Bonis Debitis et Catallis Lib. H. D.
quorumcunq. aliorum proditorum felonum & homicidarum
vbicunq. Locorum delinquentium Ac de bonisdebitis & Catallis
eorum Manutinentium Accessariorum consulentium Auxili-
antium vel assistentium quam de bonis Debitis et Catallis
quorumcunq. fugitivorum convictorum Attinctorum damnato-
rum Vtlegatorum Vel in Exigendo pro proditione feloniam homi-
cidio vel Murdro seu aliquo alio quocunq. Offenso aut Delicto
qualitercunq. posito sive ponendo Atque etiam de bonis Waviat-
tis fflotson Jetson Lagon Shares Thesauro inveniendos Deodandis
ac de Bonis quorumcunq. aliorum pro derelictis habitis vel
habendis seu Casu fortuito Repertis aut reperiendis vel
qualitercunq. Debitis seu debendis ac de Omnibus aliis
Casualibus tam insuper vel per Mare Littoraq. Crecas aut
Costeras Maris vel partes Maritimas quam insuper vel per
Aguas dulces Portus flumina publica Rivos seu Crecas aut
Loca superinundata quacunq. infra fluxum et Refluxum Maris
seu Aquæ ad plenitudinem aut super Littora vel Ripas alicujus
Eorundem infra Jurisdictionem Nostram Maritimam prædict.
qualitercunq. quandocunq. vel quomodocunq. Emergentibus
contingentibus sive provenientius quibuscunq. vel Ubicunq.
bona Debita et Catalla hujusmodi aut Cætera præmissa vel
aliqua parcella Eorund. infra Jurisdictionem Nostram Mariti-
mam prædict. Reperiantur aut inveniri seu Reperiri contingerint
Ac insuper de Anchoragiis et Lastagiis seu arenosa Navium
Operatione et de piscibus Regalibus (Viz^{ty}) Sturgeonibus
Ballenis Cetis Porpesiis Delphinis Riggis ac Graspitiis et
generaliter de cæteris Piscibus quibuscunq. magnam sive
ingentem Crassitudinem sive pinguedinem in se habentibus ab
antiquo de Jure vel consuetudine ad Nos quovismodo pertinen-
aut spectantibus seu aliquo Modo consuetis Eademq. Wreccum
Maris ac bona Debita et Catalla ac Cætera præmissa omnia et
singula Una cum omnibus et singulis finibus, mulctis, exitibus
forisfacturis Amerciamentis Redemptionibus et Recognitionibus
quibuscunq. forisfactis & forisfaciendis et pœnis pecuniariis
pro transgressionibus Delictis injuriis Extortionibus contempt-
ibus ac aliis Maleficiis quibuscunq. vel pro aliqua Re Materia
seu Causa quacunq. impositis vel inflictis imponendis vel p. 12
infigendis qualitercunq. in dictis Provincia & Territorio Nostris
de Maryland prædict. & partibus Maritimis eorund & eisdem
Adjacentibus quibuscunq. in aliqua Curia Adm^{nis} Nrae ibidem
tenta seu tenenda præsentatis seu præsentandis assidendis
afferendis forisfaciendis seu Adjudicandis Ac etiam Una cum
Amerciamentis exitibus finibus perquisitis Mulctis et pœnis
pecuniariis quibuscunq. ac forisfacturis quarumcunq. Recog-
nitionum coram Vobis Vestrove Locum tenente Deputato
vel Deputatis in dictis Provincia & Territorio Nostris

Lib. H. D. de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. Audiendis terminandis assignatis seu assignandis contingentibus seu impositis aut imponendis vel infligendis seu aliquo modo assidendis afferendis forisfaciendis seu adjudicandis aut aliquo modo occasione præmissorum Nobis vel Hæredibus seu Successoribus Nostris in ea parte qualitercunq. debitis sive debendis, quibuscunq. petendum Exigendum levandum capiendum colligendum recipiendum et obtinendum ac ad Usus Nostrum ac Officii Magni Admiralli Nostri Angliæ prædict. pro tempore existente custodiendum et conservandum Ac insuper Recognitiones Cautiones Obligationes et stipulationes quascunq. tam ad Usus Nostrum quam ad quarumcunq. partium instantium pro Conventionibus seu debitis ac aliis Causis quibuscunq. capiendum Easq. Executioni ponendum et exequi faciendum et Mandandum Nec Non Naves personas Res bona Merces et Mercimonia quæcunq. pro præmissis et eorum quolibet ac aliis Causis quibuscunq. ea concernentibus Ubicunq. locorum per dict. provinciam & Territorium Nostros de Maryland prædict. et partes Maritimas Eorundem & eisdem adjacentes quascunq. infra Libertates et ffrancheiss vel extra fuerint inventa seu reperta Atque etiam pro aliis conventionibus Causis seu Debitis quibuscunq. qualitercunq. contractis sive Emergentibus dumodo Bona seu Personæ Debitorum reperiantur infra Jurisdictionem Nostram prædict. juxta Leges Civiles et Maritimas & consuetudines ab antiquo Usitatas realiter arrestandum et Arrestari faciendum et Mandandum Ipsasq. cum suis emergentibus dependentibus incidentibus Annexis et connexis Causis et Negotiis quibuscunq. Una cum cæteris Causis Civilibus et Maritimis atq. querelis contractibus et aliis præmissis omnibus et singulis quibuscunq. superius respective expressis juxta Leges et consuetudines prædict. ac aliis viis Modis et Mediis legitimis quibus melius sciveris aut poteris Audiendum examinandum discutiendum & fine debito

p. 13 terminandum ac personas quascunq. in ea parte provt Casus Exiget comparere et respondere cum cujuslibet coercionis temporalis alteriusq. pœnæ et mulctæ potestate juxta Leges et consuetudines prædict. compellendum ac Justitiam faciendum et Ministrandum etiam Juris Ordine Servato seu Velo levato sine strepitu et figura Judicii sola facti & Rei Veritate inspecta procedendum Reosq. et Contemptores Juris seu Jurisdictionis Adm^{is} Nostræ Violatores Vsurpatores delinquentes & contumaciter absentes Nauceros Marinarios Remiges piscatores Naupegos et alios operarios et expertos quoscunq. Res Nauticas quascunq. exercentes juxta Jura Statuta Leges Ordinationes consuetudines ab antiquo observatas, Mulctandum corrigendum puniendum castigandum et Reformandum ac in qui-

buscunq. carceribus infra Provinciam et Territorium Nostros de Maryland prædict. existentibus incarcerandum et incarcerari faciendum et Mandandum Incarceratosq. quoscunq. in ea parte qui deliberandi fuerint deliberandum et penitus exonerandum et exonerari faciendum et Mandandum fluminaq. publica Portus Rivos aquas dulces ac Crecas quascunq. infra Jurisdictionem Nostram Maritimam prædict. Ubicunq. Locorum dictis Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem & eisdem adjacentibus quibuscunq. existunt pro conservatione tam Classis Nostræ ac Classium et Navigiorum Regnorum & Dominiorum Nostrorum prædict. quam piscium in eisdem fluminibus & locis prædict. crescentium quorumcunq. Nec non Jura Statuta Leges Ordinationes & consuetudines ab antiquo observatas in dictis Provincia & Territorio Nostris de Maryland prædict. et partibus Maritimis Eorundem et eisdem adjacentibus quibuscunq. conservandum et Exequi et conservari faciendum Omniaq. & singula alia faciendum exercendum expediendum & Exequendum in præmissis & eorum quolibet provt de Jure et secundum Leges & Statuta Ordinationes & consuetudines prædict. fuerit faciendū Ac insuper Retia Minus stricta ac alia ingenia sive instrumenta quæcunq. illicita circa prensionem piscium Ubicunq. Locorum per Mare aut flumina publica Portus Rivos Aquas dulces seu Crecas quæcunq. per Provinciam & Territoriam Nostros de Maryland prædict & partes Maritimas eorundem et eisdem adjacentes quascunq. infra Jurisdictionem Nostram prædict. Ubicunq. Locorum per aquam occupata sive exercitata et Exercitatores et Occupatores eorundem juxta Jura Statuta Leges Ordinationes & consuetudines prædict puniendum corrigendum et reformandum Sententiasq. & Decreta quacunq. fulminandum promulgandum et interponendum eaq. Executioni demandandum cum cognitione et Jurisdictione quarumcunq. aliarum Causarum Civilium et Maritimarum quæ sunt Maris seu quæ Mare vel Maris per transitum sive passagium aut iter Navale sive viagium Maritimum vel Jurisdictionem nostram Maritimam supradictam seu Loca vel Limites Admiralitatis Nostræ prædict. et cognitionem antedictam ac alia quæcunq. expedita vel expedienda quovismodo concernunt seu respiciunt Etiam cum potestate procedendi in eisdem juxta Jura Statuta Leges Ordinationes ac consuetudines prædict. ab antiquo Usitatas tam ex Officio mero mixto vel promotum quam ad alicujus partis instantiam provt Casus exiget et expediens Visum fuerit ac etiam cum cognitione & decisione de Wrecco Maris magno seu parvo ac de Morte submersione et Visu Corporum Mortuarum quarumcunq. personarum in Mari vel fluminibus publicis portubus Aquis dulcibus seu Crecis quibuscunq. infra fluxum Maris et

Lib. H. D.

p. 14

Lib. H. D. aquæ ad plenitudinem per dict. provinciam & Territorium Nostros de Maryland prædict. et partes Maritimas eorundem et eisdem adjacentes quascunq. vel alibi infra Jurisdictionem Nostram prædict. qualitercunq. interfectarum sive submersarum aut interficiendarum seu submergendarum sive murderatarum vel murderandarum aut aliquo alio modo ibidem ad Mortem devenientium Una cum cognitione de Mahemio in Locis prædict. infra Jurisdictionem Nostram Maritimam prædict. ac fluxum Maris & aquæ ibidem contingentis cum potestate etiam puniendi Delinquentes in ea parte quoscunq. Juxta Juris exigentiam et consuetudines prædict. Cæteraq. Omnia et singula qua in præmissis tantum et circa ea Necessaria fuerint seu quomodolibet opportuna juxta et secundum Jura Statuta Leges Ordinationes et consuetudines prædict. faciendum Exercendum expediendum et exequendum Tibi de cujus fidelitate et circumspectionis industria plurimum in hac parte confidimus Vires & Auctoritatem Nostras in et per Provinciam & Territorium Nostros de Maryland prædict. et partes Maritimas Eorundem et eisdem adjacentes quascunq. atq. etiam per omnia & singula Littora Maris fluminisq. publica portus Aquas dulces Rivos Crecas ac Brachia tam Maris quam fluminum & Costeras quascunq. dict. provinciæ et Territorii Nostrorum de Maryland prædict. et partium Maritimarum eorundem & eisdem adjacentium quarumcunq. infra Libertates et francheis ac extra Comittimus per præsentem ac concedimus cum potestate alium vel alios Deputatum vel Deputatos quoties tibi Expediens Visum fuerit Loco tuo in præmissis Deputandi et surrogandi ac etiam cum potestate quoscunq. alios Officiarios & Ministros pro dicto Officio et Exercitio ejusdem in dictis Provincia & Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. sub te Necessarios idoneos et opportunos de tempore in tempus Nominandi perficiendi Ordinandi assignandi faciendi et constituendi Salvo semper Jure supremæ Curiae Adm^{te} Nostræ Angliæ Necnon

p. 15 Judicis et Registrarii ejusdem Curiae quibus et eorum alteri in aliquo Nolumus derogare per præsentem et Salvo Jure cujuscunq. læsi & Gravati per aliquam Sententiam definitivam sive Decretum interlocutorium in Curia Vice Admiralitatis Provinciæ Territorii Nostrorum de Maryland prædict. ferendum ad Supremam Curiam Admiralitatis Nostræ Angliæ prædict. appellandi Teq. præfatum ffranciscum Nicholson Armig. Vice admirallum Comissariumq. ac Deputatem Nostrum in Officio Vice Adm^{te} in Provincia & Territorio Nostris de Maryland prædict et partibus Maritimis Eorundem & eisdem adjacentibus Una cum omnibus & singulis feodis proficiis Advantagiis Emolumentis Comoditatibus et pertinentiis quibuscunq. eidem

Officio Vice Admiralli Comissarii et Deputati in Provincia & Territorio Nostris de Maryland prædict. et partibus Maritimis Eorundem et eisdem adjacentibus quibuscunq. juxta Ordinationes & Statuta Supremæ Curia Adm^{us} Nostræ Angliæ prædict debitis et spectantibus Ordinamus perficimus et deputamus per Præsentes ad Beneplacitum Nostrum tantummodo duratur—Proviso tamen semper et Sub hac Lege et conditione quod si Tu præfatus ffranciscus Nicholson Armiger et locum tenentem Nostrum supremæ Curia Admiralitatis Nostræ Angliæ et in dicta curia et officialem Principalem Commissariumq. Generalem et specialem ac ejusdem Curia præsidentem Judicem de omni eo quod de tempore in tempus Vigore præsentium feceris et executus fueris colligeris aut reciperis in præmissis vel præmissorum aliquo Annuatim (Viz') in fine cujuslibet Anni inter ffesta Sⁱ Michaelis Archangeli et omnium Sanctorum cum pleno et fideli Computo tuo superinde sub Authentica forma conficiendo ac Sigillo Officii Nostri in custodia tua remanente Sigillando debite non Certificaveris et certiozem reddi feceris cum effectu si ad id Requisitus fueris extunc et Post Defaltam in ea parte hujusmodi Literæ Nostræ Patentes de Officio Vice-Admiralli prædict. Tibi vt præfertur concessæ Vacuæ et irritæ erunt Nulliusq. Roboris et effectus Mandamus Omnibus et singulis Proceribus Justitiariis Majoribus Vice-Comitibus Capitaneis Seneschallis Ballivis et Custodibus Gaolarum & Carcerum Nostrorum quorumcunq. et Constabulariis Cæterisq. Ministris et fidelibus Subditis et Ligeris Nostris quibuscunq. et eorum cuilibet tam infra Libertates & ffrancheiss quam extra quod Tibi et Deputato tuo cuicunq. aliisq. Officiariis ejusdem Vice-Adm^{us} Nostræ in Provincia et Territorio Nostris de Maryland prædict. et partibus Maritimis eorundem et eisdem adjacentibus quibuscunq. per te Assignatis seu assignandis circa Executionem Præmissorum et Eorum cujuslibet intendentes faventes auxiliantes parentes pariter & Obedientes sint in Omnibus provt decet sub pœna Juris et periculo incumben., Datum Londini in Suprema Curia Admiralitatis Nostræ Angliæ prædict. sub Sigillo Ejusdem Magno Quinto die Mensis Martii Anno Domini (stylo Angliæ) 1693 Regniq. Nostri Sexto. Orlando Gee Reg'

Lib. H. D.

p. 16

His Excellency asked the Board which was the Usual way of publishing the Kings Commission, who made Answer that it was Usually done in the Councill Chamber, at the Provinciall Court and Assembly.

Whitehall

Then his Excellency was pleased to acquaint the Board what Gentlemen were now Ordered and Appointed to be of their Ma^{ty} Councill within the said Province, whose Names were Read Unto them as follows, Viz' S^r Thomas Laurence

Lib. H. D. Ordr for
preparing
draught of
Coll Nichol-
sons Com-
ission ready
p. 19 for the
Kings
signature

The draught of a Comission presented by the R^t hono^{ble} the Lords of the Comitte of Trade and Plantacōns constituting and Appointing ffrancis Nicholson Esq^r Cap^t Gen^l & Governour in Chief of Maryland in America having been this day Approved at the Board: His Ma^{ty} in Councill is therevpon pleased to Order as it is hereby Ordered that the Right Hono^{ble} S^r John Trenchard Kn^t principall Secretary of State Doe Cause the said Draught to be prepared for his Ma^{ty} Royal Signiture in Order to pass the Great Seale

Rich Colinge

At the Court at Whitehall
the 15th of March 1693

Present

The Kings most Excellent Ma^{ty} in Councill.

Oath taken
by Coll
Nicholson
Gov^r of
Maryland

His Ma^{ty} having been graciously pleased to constitute Colonel ffrancis Nicholson to be their Ma^{ty} Captain Generall and Governor in Chief of Maryland in America, The said Coll Nicholson, this day at the Board tooke the Oath appointed by the Acts of Trade and Navigation to be taken by the respective Governors of their Ma^{ty} Plantations,

W^m Bridgeman.

Whitehall The Commission of Vice-Admirall read, Ordered to be likewise Recorded Vide ffol 9.

The following Papers doe Relate to his Ex^{ncies} obtaining his Comission of Vice-Admirall &c^a

I do hereby Certify that a Comission is passing Under the Great Seale of England, Constituting Coll ffrancis Nicholson Cap^t Generall and Governor in Chief of their Ma^{ty} Province and Territory of Maryland in America,
Councill Chamber the 8th Jan^{ry} 1693.
W^m Blathwayt

By the Comissioners for Executing the Office of Lord High Admirall of England Ireland &c^a

p. 20 Comissions
of the
Admiralty's
Warrant for
issuing Coll
Nicholsons
Comission
of Vice-
Admirall &c^a

Whereas Request has been made Unto Vs by ffrancis Nicholson Esq^r Captain Generall and Governor in Chief in and over their Ma^{ty} Province and Territory of Maryland in America that he may hold the place of Vice-Admirall of the Province and Territory of Maryland in America Which have thought fit according to the Power Given Vs by their Ma^{ty} Commission vnder the Great Seal of England to Grant—

These are therefore to direct & Require you to Cause Letters Lib. H. D.
Patents of the Vice-Admiralty of the Province and Territory
of Maryland in America to be issued out of the High Court
of Admiralty in their Ma^{ty} Names to the said Francis Nicholson
Esq^r to continue Untill further Order in as large and ample
manner as the same has been formerly Granted to any others
or according to the Usual forme of Letters Patents Granted
to Vice-Admiralls in England with power to Ordain and
appoint his Deputies and Under Officers and with Proviso that
just Account be made every yeare and in default the said
Letters Patents to cease and determine ffor which this shall be
your Warrant Dated at the Admiralty Office this 19th day of
ffeb^{ry} 1693/4

To S^r Charles Hedges Kn^t
Judge of the High Court
of Admiralty.

J Lowther
H. Priestman
Robt Austen
Ro. Rich

By Com^d of the Com^{rs}
J Sotherne

ffor Coll Nicholson Governor of Maryland, These

Adm^{ty} Office 19th March 1693/4

S^r

The R^t Hono^{ble} Com^{rs} of the Adm^{ty} Com^{and} me to acquaint
you that they desire to speake with you here this Evening
about six of the Clock, I am

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S^r

your most humble Servant,
J Sotherne

Colonel Nicholson Govern^r of Maryland.

The following Papers doe Relate to His Ex^{ncy} Coll Nichol-
son's being Constituted Attorney for his Grace the Duke
Schonburgh and Leinster to Receive & take into his possession
all Wrecks &c^a within the Limits of this Province for his said
Grace's Use.

To

His Excellency Francis Nicholson Esq^r Cap^t Gen^l & Gov-
ernor in Chief of their Ma^{ties} Province of Maryland

S^r

His Grace
the Duke of
Schonburg
& Leinster's
Lre to Gov^r
Nicholson

It is now about a yeare since his Ma^{ty} was pleased
to Grant me his Letters Patents for all Wrecks,
Derelicts &c^a Between the Latitudes of Twelve
Degrees South and fforty Degrees North for Twenty
years, for the securing of which and for the settle-
ment of due Correspondencies I have made and appointed

Lib. H. D. Trustees and Agents who have already Used severall Methods of Discovery and also considered that it is necessary (for preventing any disputes that may happen between the persons imployed by them & other Discoverers, Coasters or any others) That their Ma^{ty} abovesaid Letters Patents be Inrolled in the severall Governm^{ts} belonging to the Crowne of England that are comprehended within the Limits of the said Grant. In Order wherevnto I have by their advice Intrusted

my Agent and Attorney for this Affaire and have transmitted Unto him a Duplicate of the said Grant for its Inrollm^t in the Records of the Government of

And pray your countenance and assistance of him the said in pursuance of the Rights & profits Granted to me therein that their Ma^{ty} intended favour may not be diverted nor avoided.

I have directed my said Agent at all times to Give me or my Trustees an Accompt of your Ex^{cles} favour & Regard towards him that I may acknowledge the same and wherein I may be any ways serviceable to their Ma^{ty} Province vnder your care or to your Self you may Rely on

S^r Yo^r humble Servant
Schonburg & Leinster

S^r

His Grace having Communicated this inclosed Letter to the Govern^r of Maryland—Unto Vs his Trustees in the abovesaid Affaire hath desired Us to acquaint you that Wee shall at all times hold Correspondence with you and Receive your Letters & informations for the advantage of his Grace and others concerned. And Wee doe further acquaint you that Wee have Agreed to allow to your Self and others imployed by you out of any Wreck, Derelict &c^a that you or they shall Discover, seize and secure one Tenth part of the clear profits thereof for your Encouragement in this service. You may at all times Direct your Letters for Vs to S^r James Houblons of this City Kn^t S^r

London, March 22th 1693/4

Yo^r humble Servants
Ja Houblon
Hi. Scardevile
J: Hooke

His Excy
Coll Nichol-
sons Letter
of Attorney
from his
Grace the
Duke of
Schonburg
& Leinster
&c^a

To all to whome these Presents shall Come Greeting Know Yee that Whereas their present Ma^{ty} King William & Queen Mary did by their Grant vnder the Great Seal of England Bearing Date the tenth day of March one thousand six hundred ninety two Grant vnto Mainhardt Duke of Leinster (now Duke of Schonburg and Leinster) his Executors Administrators & Assignes all and Every such Wrecks Jet-

sam ffloatsam lagan Goods Derelicts Riches Bullion Plate Lib. H. D.
Gold silver Coyn Barrs or piggs of silver ingots of Gold
Merchandizes and other Goods & Chattells whatsoever which
at any time or times then-to fore had been or at any time or
times then after should be left cast away Wreckt or lost in or p. 23
Upon any of the Rocks shelves Shoales Seas Rivers or
Bancks in America between the Latitude of Twelve Degrees
South and forty Degrees North And which at any time or
times within twenty years next after the Date of the said
Indenture should be taken vp gotten or Recovered by him the
said Mainhardt Duke of Leinster his Executors Administrators
or Assignes or his or their Agents or Substitutes as by the
said Grant may more fully appear now Know Yee that the said
Mainhardt Duke of Schonburg & Leinster and Wee S^r James
Houblon Knight and Alderman of the City of London Henry
Scardevile Dean of Cloyn in the Kingdom of Ireland and John
Hooke of Grayes Inn in the County of Middlesex Esq^r Trus-
tees created by the said Duke for Management of the Affaires
aforesaid by Indenture Under his hand & Seale bearing Date
the twenty first day of June last past have made appointed
constituted & Ordained and by these presents doe make
Appoint constitute & Ordaine the Hono^{ble} Francis Nicholson
of the City of London Esq^r our Attorney Deputy & Agent
within the Province of Maryland and all the Limits & Bound-
aries vpon the Sea Coasts of the s^d Province of Maryland for
Us and in our Names and for our Vse to Seize & take into
his possession all wrecks and premisses before mentioned in
the above recited Grant (and thereout to Reinburse himself all
such Charges and disbursements as he shall be at in and
about the same together with such Allowance as Wee have
Given by our Letter to him Dated the twenty second day of
March instant) which at any time heretofore or at any time or
times hereafter during the continuance of these presents have
shall or may be left cast away wreckt or lost in or vpon any of
the Rocks, shelves, shoales Seas Rivers or Bancks within or
neare all or any of the Limits or Boundaries of the said Prov-
ince of Maryland And the same or any part or parcell thereof
so seized and secured for Vs and to our Use and advantage
to deteyne and keep or sell and dispose thereof as to him
shall seem most meet & convenient & thereout Reinburse
himself as aforesaid And in case of any denyall obstruction or p. 24
opposicon in the lawfull Execucon of all or any of the Powers
and Authorities hereby Given and Granted to Sue Implead
and Imprison all & every person & persons whatsoever that
shall detain possess dispose purloyn or imbeazle any of such
Wrecks and premisses before particularly mentioned so
belonging to Us or either of Us by virtue of the said Grant or

Lib. H. D. Indenture from their Ma^{ties} as aforesaid Giveing and by these presents Granting Unto our said Attorney our full power and lawfull & absolute Authority in the Execucon and performance of all and singular the premisses afores^d and one or more Attorney or Attorneys Deputies or Agents Servant & Servants vnder him for the purpose afores^d or any of them to make constitute and Appoint and at his pleasure to Revoke and generally to doe Accomplish determine and Execute all and every such future and other lawfull & reasonable Act & Acts thing & things device & devices whatsoever for Us and to our Use & in our Name and stead in and about the premisses aforesaid or any of them as to our said Attorney shall from time to time seem meet and that as fully and amply in all respects as Wee our Selves might or could doe were Wee personally present Ratifyeing and allowing for firme & effectuall all and whatsoever our said Attorney shall lawfully doe or Cause to be done in our Names and to our Use in pursuance of these presents In Wittness whereof I the said Mainhardt Duke of Schonburg & Leinster and Wee the said S^r James Houblon Henry Scardevile & John Hooke have herevnto Set our hands & Seales the twenty Eighth day of March in the Sixth year of the Reign of our Sovereign Lord & Lady William and Mary by the Grace of God of England Scotland ffrance & Ireland King & Queen defenders of the ffaith &c^a Annoq. Domini 1694.

Sealed & Delivered in the
presence of Vs

W^m Thompson

Edw^d Stanton

Sam^l Briggs

Sealed & delivered by his
Grace the Duke of Schon-
burg in the presence of

Kapon./John ffraignean

Schonburg & Leinster [Seale]

Ja: Houblon

Hen: Scardevile

J: Hooke

[Seale]

[Seale]

[Seale]

p. 25 Ordr for
Continuance
of Officers
&c^a White-
hall Ordered that Proclamation be forthwith prepared according to Usuall Custom & forme to publish & declare that the Governm^t of this their Ma^{ties} Province is by their Ma^{ties} Royall Comission vnder the Broad Seale of England comitted and delivered Unto the Conduct & Charge of his Ex^{ncy} ffrancis Nicholson Esq^r therein & thereby comanding all Officers Civill & Military to continue in their severall stations & places Untill further Orders; which issued accordingly as follows

By his Excellency

Lib. H. D.

A

Proclamation

Proclamation
declaring
Coll Nichol-
son Governor
of Maryland
& for Cont
of Officers
&c

Whereas Upon the death of his Ex^{cy} Lionell Copley Esq^r their Ma^s late Cap^t Generall and Governor in Chief in and over this their Province of Maryland the Chief Comānd & Governm^t of the said Province is (by their Ma^s Royall Comission, bearing Date the Tenth day of ffeb^r in the ffifth year of their Reign vnder the great Seale of England) Comitted to the charge & Conduct of me Francis Nicholson; the which said Comission being Produced and Read to and by their Ma^s Councill of this Province this day in Council siting; I have (by & with the advice of the said Council, vpon my Accession to the Command & Governm^t aforesaid) thought fit to proclame and declare, and doe hereby publish and make knowne that all and singular their Ma^s Magistrates, Ministers and Officers Civill & Military within this Province are and doe stand and Remaine continued & confirmed in their Respective places and Offices aforesaid Untill further Orders hereby streightly Chargeing and Commanding them and Every of them respectively to Execute and performe the Duty of their respective places & Offices aforesaid as formerly they have or ought to have done; willing also and comāding all and singular their Ma^s loving Subjects of the said Province and all others whom it may concern to take due Notice hereof and yield all ready obedience therevnto as they will Answer the contrary at their perills; To which End I doe streightly Charge & Comānd all and singular the Sheriffes of the respective Counties of this Province to make publick Proclamacon hereof in the most publick and convenient places within their Respective Counties

Given at the City of S^t Maries the 27th day of July Anno Domini, 1694 in the ffifth year of the Reign of our Sovereign Lord & Lady King William & Queen Mary God Save King William & Queen Mary

His Excia
Demands
how the
State of the
Governm^t
at present
lyes

His Excellency was pleased to propound to the Board that they would signifye to him in what condition and vnder what Circumstances the severall Affaires of this Province now lay vnder, Viz^t as to Ecclesiasticall Civill and Military Affaires; And that they would give an Account of the publick Revenue belonging to the Province; as likewise in what Circumstances the Countrey is in as to the Neighbouring Colonies adjoyning hereto.

Whitehall

Lib. H. D.

July the 30th 1694

State of the constitution of the Governm^t of Maryland, Viz^t
as to Ecclesiasticall, Civill & Military Affaires, delivered to his
Ex^{ncy} Coll Francis Nicholson by the Members of the Councill
at the Board as follows

State of S^t Maries County

State of St Maries County is divided into two parishes,
which both contain about One thousand Tythables;
One Church built at S^t Georges, and another goeing
forward to be built nigh Cap^t Coods of which he takes care.
Noe Minister inducted but M^r Crawford at present Officiating.
A Glebe at S^t Georges of 300 Acres Rented at 2000^l tob^p
Annum

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Military Officers

Maj^r John Cambell
Cap^t Thomas Waughop } of Troopes of horse.
Cap^t John Bayne }
Cap^t John Dent } of foot.
Cap^t Edward Greenhalgh }
a Colonell wanting

Provinciall Court Justices.

S^r Thomas Laurence Baron^t President

Coll Nich ^o Greenberry	} Justices	Cap ^t John Addison
Coll Charles Hutchins		Thomas Brooke Esq ^r
Coll David Browne		Maj ^r Rob ^t King
Thomas Tench Esq ^r		M ^r John Watson
M ^r Kenelm Cheseldyn	} Henry Wriothsley Clerk.	
Comissary Gen ^l of the Province		John Winckall Cryer.
M ^r John Bony his Clerk.		

Comissioners for S^t Maries County.

Cap ^t John Dent	}	Cap ^t John Bayne
M ^r Richard Cloud		Cap ^t Thomas Waughop
Cap ^t Edward Greenhalgh		M ^r John Lowe
M ^r Philip Brisco		M ^r Benjamin Hall

Cap^t John Cood appointed Sherriffe

M ^r John Watson	} Coroners.
Cap ^t Tho: Waughop	
Cap ^t Tho: Attoway	
M ^r Sam ^l Watkins Clerk of the Indictm ^t	
Henry Denton Clerk of the County Court.	

ffour Prisoners condemned lyeing in the Custody of the Lib. H. D.
Sherriffe of S^t Maries County, Viz^t W^m Burley & George
Mason being for Murther of M^r Payne a Welchman for
Murthering of her Bastard Child; the which being Read it
was Ordered that the Sff. of S^t Maries County be sent for to
Give an Acco^t vnder what Circumstances the said Prisoners
are now in.

State of Kent County

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State of Kent County &c^a Kent County has Two parishes, one Church built
and another laid out to be built; but noe Minister.

Comissioners &c^a

M^r Hans Hanson
M^r Elias King
M^r Daniell Norris, appointed Sheriffe
M^r Edward Swetnam.

Gentlemen Recommended to be aded.

Coll S ^t Leger Codd	} M ^r Thomas Smith	
M ^r W ^m ffrisby		M ^r Philip Conner
M ^r John Coppage		M ^r Thomas Ringold
M ^r John Hinson		

M ^r Daniel Norris	} Coroners; but M ^r Norris being appointed Sff M ^r Thomas Smith is to be Coron ^r in his stead.
M ^r John Coppage	

M^r Charles Hinson Clerk of the County.
Militia Officers none at present Comissionated.

Gentlemen Reco^mended,

Coll S^t Leger Codd for Colonel
M^r John Hinson for Major,
M^r Hans Hanson Cap^t for Troope of horse
M^r John Coppage vpon the Island for Captain of ffoot.

State of Ann-Arrundell County.

State of Ann-Arrundell County &c^a Ann-Arrundell County has ffour Parishes laid out,
but noe Churches built nor noe Minister.

Comissioners &c^a

Sheriffe now ap- pointed—	Cap ^t John Hammond	} M ^r Sam ^l Young	
	Maj ^r Henry Ridgeley		Cap ^t Jn ^o Worthington
	Cap ^t W ^m Holland		M ^r Henry Constable
	M ^r James Saunders		Cap ^t Nich ^o Gassoway
		M ^r Abell Browne	

Lib. H. D.
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Coroners for Ann-Arrundell County

Cap^t John Worthington }
M^r Thomas Odell }
M^r Thomas Hewes. }

M^r Henry Bonner Dep^y Co^mmissary & Clerk of the Indictm^{ts}
M^r Thomas Brisco Clerk of the County.

Military Officers.

Colonell Nicholas Greenberry Colonel

Cap^t John Hammond }
Cap^t John Worthington } of Troopes of horse
Cap^t Rob^t Lockwood }

Maj^r Henry Ridgeley }
Cap^t Nich^o Gassoway } of the ffoot.
Cap^t Humphrey Boone }
Cap^t W^m Holland }

State of Calvert County.

State of Calvert County &c^a Calvert County has ffive parishes laid out, Three whereof have Churches built, but noe Ministers.

Commissioners &c^a

M^r Thomas Tasker } M^r W^m Parker appointed Sheriffe
M^r Thomas Greenfeild } Cap^t Henry Mitchell }
M^r Thomas Holliday } M^r James Keech }
Cap^t John Bigger } M^r ffrancis ffreeman }
M^r ffrancis Hutchins } M^r John Sellers }

M^r Thomas Greenfield }
M^r Hugh Ellis } Coron^{rs}
M^r John Hollins }

M^r Samues Watkins Clerk of the Indictm^{ts}
Joshua Cæcill Dep^y Clerk

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Military Officers.

Coll Ninian Beale Colonel
M^r Thomas Holliday Cap^t Lievtent^r vnder Coll Beale
Cap^t James Keech
Cap^t John Bigger
Cap^t Henry Mitchell
Cap^t James Bigger
Cap^t Thomas Parslow deceased
Cap^t Richard Brightwell, horse.

State of
Charles
County &c^a

State of Charles County

Lib. H. D.

Charles County has flour Parishes laid out, Viz^t

W ^m & Mary, which has a Church built	} all Want Minist ⁿ
Portobacco, which has a Church built	
Nanzemie, which has a Church building	
Pescattaway, which has a Church agreed for	
Vestry Men in Every Parish	

Commissioners &c^a

M ^r W ^m Barton	} M ^r Rob ^t Yeats	}	
M ^r Henry Hawkins			M ^r W ^m Howton
M ^r Rand ^o Hinson			M ^r W ^m Hutchison
M ^r James Smalwood			M ^r Jos: Maning
Cap ^t Philip Hoskins			

Appointed Sherriffe is—	M ^r W ^m Howton	} Coron ^{rs}
	M ^r John Stone	
	M ^r W ^m Hatton	

Cap^t William Dent Clerk of the Indictm^{ts}

M^r Cleybourn Lomax Clerk of the County & Dep^{ty} Comissary.

Military Officers.

Coll Humphrey Warren Colonel	} of the foot.
Maj ^r James Smallwood, Maj ^r	
Cap ^t Philip Hoskins	
Cap ^t W ^m Dent	

Cap ^t John Addison	} of Troopes of horse.
Cap ^t John Courts	

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As to what publick Armes are in the County, all or most of them want fixing.

State of
Baltimore
County &c^a

State of Baltimore County

Baltimore County Comission^{rs} Viz^t

M^r George Ashman
Maj^r John Thomas, now appointed Sherriff.

Cap ^t Thomas Richardson	} M ^r Thomas Smith Clerk of the Indictm ^{ts}
Cap ^t James Maxwell	
Cap ^t James Philips	
M ^r fferry	
M ^r W ^m Hollis	} M ^r Thomas Hedge Clerk.

Lib. H. D.

Military Officers

Coll Nicholas Greenberry, Colonel
 Cap^t Thomas Richardson } of Troops of horse
 Cap^t Thomas Hammond }
 Maj^r John Thomas }
 Cap^t James Maxwell } of the ffoot.
 Cap^t James Philips }

What Parishes laid out Unknowne.

State of Somerset County.

State of Somerset County &c^a Somerset County has ffour Parishes laid out, but never a Church.

M^r John Hewet, a Clergy Man.
 M^r Sam^l Davis } Non conformists.
 M^r Thomas Wilson }

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Military Officers.

Coll David Browne Coll
 Maj^r Robert King Major
 Cap^t John Winder } of Troops of Horse
 Cap^t John King }
 Cap^t Charles Ratcliffe }
 Cap^t W^m Colebourn }
 Cap^t Benj: Saucer } of the ffoot.
 Cap^t W^m Whittington }
 Cap^t Arnold Elzey }

Commissioners &c^a

M^r ffrancis Jenckins }
 Cap^t John Winder } of the Quorum.
 M^r James Dashiell }
 M^r Roger Woolford }
 Cap^t W^m Whittington }

M^r Thomas Newbold M^r Edward Howard }
 M^r Sam^l Hopkins Cap^t John King } Justices
 M^r James Round M^r Stephen Horsey }
 M^r Thomas Jones Cap^t Arnold Elzey }

M^r Ephraim Wilson Sherriffe
 Cap^t John Winder }
 Cap^t John King } Coron^m
 M^r Edmund Howard }
 M^r John Browne }

M^r Peter Dent Clerk of the Indictmⁿ
 M^r John West, Clerk of the County Court.

State of Cæcill County

Lib. C. B.

State of Cæcill County hath three Parishes; one Vacant
County &c of both Church and Minister.

Commissioners &c^a

Coll Casparus Herman	}	Mr Mathias Vanderheyden	}	Mr Wm Dare	}	Justices
Mr Wm Harris		Cap ^t Charles James		Mr John James		
Mr Edward Jones		Cap ^t John Thompson		Mr Henry Riggs		

Military Officers,

p. 33

Coll Casparus Herman, Colonel
Cap^t John Thompson }
Cap^t Charles James }

Mr Edward Jones } Coroners.
Mr John James }

Mr John Carville Sheriffe
Mr Charles Bass Clerk of the County Court.

That they can Give noe certain Returne as yet for the
Counties of Talbot and Dorchest^r

Accot of the Revenue Referred to Mr Plater to give
That as to the Revenue, Mr George Plater being
their Ma^{ty} Receiver Gen^l he the said Plater is to
give Account thereof.

Councillors Salary what paid and how much due &c^a
Their Hono^{rs} do further acquaint his Ex^{cy} that
from the ffourth day of April, Anno 1692 there
became due to each Member of their Ma^{ties} Councill
(as p Act of Assembly) Thirty pounds sterling per
Annum whereof Coll Nich^o Greenberry, Coll Charles Hutchins,
Coll David Browne, Mr Thomas Tench, Cap^t John Addison,
Cap^t John Courts & Mr Thomas Brooke have received Bills
for each Man 25^l st^r p peice That Coll Henry Jowles never
Rec^d any pay and served Eight Months.

That the Hono^{ble} Sr Thomas Laurence Baronet has likewise
Rec^d noe Sallary as yet.

Ordered that the said Councill^{rs} Sallaries be Referred to be
considered off by the next Assembly.

That as to the Neighbouring Colonies, they only say that
(pursuant to their Ma^{ty} Command) they had Remitted to New
York for the Assistance of that place against the french, the
Sum^e of 250^l st^r

Lib. H. D.

July 31th 1694

Their Ma^{ty} Receiver Gen^l this day put in the following Report vpon the Reference Yesterday made Relating to their Ma^{ty} Revenue, Viz^t

p. 34 Mr Platers To his Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l &
Retorne Govern^r in Chief and to the Hono^{ble} their Ma^{ty} Coun-
about the cill of Maryland.
Revenue

Pursuant to your Ex^{cies} Ord^r of Reference Yesterday relating to their Ma^{ty} Revenue that a true state thereof should be by me Returned to your Ex^{cy} in Councill I do humbly Certify the same within my Collection as follows; That the Sum^e totall of the Duty of the One shilling and three pence p hogshead on Tobacco Exported out of the District of Petuxant from the time of the Arrivall of the late Governor Copley to this day Amounts to the Sum^e of Three thousand Twenty three pounds three shillings & Eight pence, as p my Account thereof ready to produce may appeare; The said Duty being also Charged Debtor for paym^t made out of the same the Sum^e of Two thousand ffive hundred Nineteen Pounds two shillings and ffour pence, the Ballance thereof in my hands being ffive hundred & ffour pounds, one shilling & ffour pence; the which Ballance is ready to be Answered and paid And I do likewise humbly Certify further to your Ex^{cy} that the Duty of ffour pence, p Gallon on all Liquo^r imported & by me Collected within the afores^d District Amounts to the Sum^e of Three hundred thirty ffive pounds as p my Account also may Appeare And that the paym^t out of the said Duty comes to the Sum^e of Two hundred twenty one pounds; there still Remaining vnpaid vpon Account that Duty the Sum^e of One hundred ffourteen pounds: As to the ffines & fforfietures due to their Ma^{ty} Under my Collection, the same have not been as yet Collected, though some Lists thereof have been Returned me (I not having as yet Rec^d any Orders for the disposall thereof) and doe also Certify to your Ex^{cy} that I have Collected in the District of Potomock for their Ma^{ty} Use the Sum^e of One hundred Eight Pounds ffifteen shillings & Nine pence the which is still lodged with me.

p. 35 The Revenue of that District amounts to a greater Sum^e of Money the Certainty of which may appeare at such time as your Ex^{cy} shall think proper for the whole state of the Revenue of that District to be brought in together with an Account of their Ma^{ty} Duties Collected in the District of Pocomoke; Maj^r King the Officer there not having as yet delivered any Account thereof, All which is humbly submitted to by

Yo^r Ex^{cies} Obedient humble Serv^t

July the last 1694.

George Plater.

Collectrs & Navall Officers of Potomock & Pocomoke Districts Ordered to send in their Accots &ca

Ordered that the Collectors & Navall Officers of Potomock & Pocomoke Districts send forthwith an exact Account vnder their hands to the Clerk of the Councill, as well of the Duty of the Moiety of the two shillings p hogshead The Additionall Duty of three pence per hogshead, as also ffour pence per Gallon Impost vpon Liquo^r imported from the time of their Receiueing the same Untill this day, together with an Acco^t of all disbursem^t of the same by them made in Order to be Comūicated to this Board

Lib. H. D.

July 27th 1694

His Excellency acquainting the Board that he hoped they had taken effectuall Care in making Choice of good & substantiall Men for Sherriffes lately by them appointed, does therefore acquiesce in what they have done therein: but vpon a Dispute arising at the Board concerning the Sherriffe lately appointed for St Maries County; it is Ordered that Cap^t John Bayne be set aside and Cap^t John Cood Comissionated in his stead; and that the Sherriffs appointed for the severall & respective Counties within this Province have their Comissions delivered them and be sworne in August Court next, Giving Bond for the due Execution of their places according to former Order of the 14th of this instant July.

Cap^t Jno Cood appointed Sffe of St Maries County

Petition of Cap^t John Hurle Read as follows: Viz^t

To his Ex^{ty} ffancis Nicholson Esq^r their Ma^{ty} Govern^r of their Province of Maryland and to the Hono^{ble} Councill.

John Hurle Comānder of the ship Providence Sheweth.

Cap^t Jno Hurles Pet

That your Pet^r did on his passage into this Countrey take a ffrench Pinke loaden with Sugar which said Pinke was brought to a Tryall before the Hono^{ble} St Thomas Laurence and the Hono^{ble} Councill being Judges of their Ma^{ty} high Court of Admiralty who condemned her according to an Act of Parliam^t made in the ffourth year of their Ma^{ty} Reign and according to the Order of the said Court your pet^r has almost Unloaded the s^d prize & sorted the Goods taken in her by the Judgem^t of ffour Commission^{rs} Ordered & appointed by the s^d Court; Now so it is may it please your Ex^{ty} & Hono^r that there being one ffifth part of the Goods adjudged to be their Ma^{ty} part and Ordered to be divided & kept in specie for their Use & by the ffour Commission^{rs} to be delivered

Whitehall

p. 36

Lib. H. D. to their Ma^{ty} Receiver Generall, Yo^r Petitioner therefore complains that there is no svch person Appears to Receive & take Charge of their Ma^{ty} part; Also that your Pet^r hath & is at great Charge in the hiring Men, Boats, Stores &c^a to his great Charge & Damage; Also your Pet^r hath appointed the 30th of this Month for publick Sale of the Goods coming to his part and has given Notice accordingly which Sale cannot be proceeded to before the Goods be divided, Also your Petitioner^r is to his great loss & damage hindred hereby of Loading his owne ship with Tob^o and if these Goods be not speediij divided will loose the oportunity of the Convoy

Yo^r Pet^r therefore prays yo^r Ex^{ncy} and Hono^{rs} to take these Reasons into your serious consideration and Order some person to Receive from the Commission^{rs} their Ma^{ties} part of the said Goods forthwith that the rest may by the day appointed be Exposed to Sale and your Petitioner proceed in his other Affairs

And as in Duty bound he shall pray &c^a

Admiralty
Court Pro-
ceedings in
the Tryall
of the Prize
ship pro-
duced
Whitehall

Afterwards presented to his Excellency Copy of the Proceedings of the Court of Admiralty beld at Benedict Leonard Towne in Calvert County the 13th of this instant July; Wherevpon his Ex^{ncy} did Demand to know by what power the said Court was held, to which was Answered that the same was held by Virtue of Governor Copleys Comission of Vice-Admirall, the which should be produced to his Ex^{ncy} to Morrow.

Ordered that Copy of the late Governor Copleys Comission of Vice-Admirall be delivered to M^r Attorney Gen^l to put into

Govern^{rs}
Comission
of Vice-
Admirall
Ordered to
be translated
into English
&c^a

English such Clauses & Exceptions as may make for or against the Erecting such a Court and therewith Attend this Board accordingly; as likewise that the present Governors Comission be by him wholly translated into English, in Order to be put vpon Record for satisfaction and pervsall of all persons.

Whitehall

July 28th 1694.

M^r Attorney Gen^l brings in the following Report to the Board, Viz^t

To his Ex^{ncy} ffrancis Nicholson Esq^r Cap^t Gen^l & Governor in Chief and to their Ma^{ty} Councill of Maryland.

Mr Attorney Gen^{ls} Re-
port about
Governor
Copleys
Comission
of Vice-
Admirall

In pursuance of an Ord^r of Councill to me directed Lib. H. D.
to make inspection into the late Governors Comis-
sion of Vice-Admirall and Report the Authorities
relating to the Jurisdiction of their Ma^{ty} high Court
of Admiralty within this Province I humbly Repre- p. 37
sent to yo^r Ex^{ncy} and this Hono^{ble} Board that the late
Governor Copley and in case of his Mortality the then present
Governm^t had power to hold plea of all Maritime Causes as
well Civill as Criminall brought or prosecuted within this
province as also the Tryall of prize ships is comprehended
within the Generall Words and the powers Granted by the
said Comission to inforce obedience to the Decree or the
Definitive sentence of the said Court allowing the party
grieved his Appeale to their Ma^{ty} high Court of Admiralty of
England, all w^{ch} I humbly leave to the grave consideration of
your Ex^{ncy} & this hono^{ble} Board and am yo^r Ex^{ncies}
most obedient humble Serv^t
George Plater

His Excellency was pleased to aske him whether or noe a
Judge, Register and Marshall were excepted in the said
Comission whoe does say & acknowledge that a Judge,
Register & Marshall are therein excepted; then produced his
Ex^{ncy} Coll Nicholsons Comission of Vice-Admirall, wherein
(vpon pervsall) there appeared no such Exception but con- Whitehall
trariwise a speciall power to Comissionate such Officers; there-
fore it being found that the late Proceedings in the
Court of Admiralty had & taken vpon the Tryall of
the Prize ship brought in by Cap^t Hurle were
Erroneous for want of sufficient power to Erect
such a Court, it is the Opinion of the Board that
the said ship must Necessarily be Tried by proper
Officers to be Comissionated by his Ex^{ncy} according to the
directions of his Ex^{ncies} said Comission, And there-
vpon Ordered by advice in Councill that Comissions
pursuant thereto be prepared to constitute Coll
Henry Jowles, Judge, Henry Denton Register and
Thomas Collyer Marshall of the said Court of Ad-
miralty, who are to Meet at Coxes Towne the third
day of August next in Order to the Tryall of the s^d
ship.

Cap^t
Hurles
prize ship
Ordered to
be Tried
anew &c

Coll Hen:
Jowles con-
stituted
Judge of the
Admiralty
Henry Den-
ton Registr
& Tho:
Collyer
Marshall of
s^d Court

July the 31th 1694.

The Business concerning the Tryall of the Prize ship being
taken into consideration & fully Debated, it is the Opinion of
this Board that if the same be condemned, the Goods thereof

Lib. H. D. be divided & apportioned into five equall shares or parts by
 p. 38 the Comission^r & the Kings Receiver Gen^l formerly appointed
 to divide the same; And Whereas there appears no person
 vpon the place Comissionated for keeping their Ma^y prize-
 Office here And forasmuch as there appears to be a great
 quantity of sugars & Cocoe Nuts in the said Vessell, and there
 being but few buyers in this Province, besides living stragling
 so that it will totally glut the Market to make present Sale of
 the said Goods, nor can the Kings ffifth part be taken out of
 the produce till the whole be sold; it is therefore the Opinion
 of this Board that for the Reasons afores^d it will be to the
 service of their Ma^y as likewise more benefit to the Captors
 (the Master pressing to be gone, to Sayle with the Convoy the
 13th of Septemb^r next) that after a division made of the Goods
 as aboves^d that the Kings ffifth part be Reserved in specie and
 the other ffour parts be delivered to the Captor or Captors to
 be disposed off as they shall think fit.—Ordered therevpon as
 it is hereby Ordered that the Comission^r formerly appointed
 & George Plater Esq^r the Kings Attorney & Receiver Gen^l
 Divide & Apportion the Goods in the said Prize ship taken
 (if the same shall be legally condemned) into five equall shares
 or parts, to be divided by Lot, ffour parts whereof they are to
 deliver into the hands of the Captor or Captors to be disposed
 off as they shall think fit and the Remaining ffifth part to be
 delivered into the hands of their Ma^y Receiver Gen^l who is to
 take care to have a Sloope ready at the place vpon the Divi-
 sion made as afores^d in Order to Convey the same downe to
 the house of M^r Anne Hopewell at the Mouth of Petuxant
 River there to be safely secured & lodged for their Ma^y Use
 vntill the sixth day of Octob^r next, which said day is appointed
 to Expose the said Goods Unto publick Sale; to be divided
 put into Lots and sold by Inch of Candle by George Plater
 Esq^r their Ma^y Receiver Gen^l M^r Rob^t Mason & M^r Samuell
 Watkins for Bills of Exchange to their Ma^y Use, of which
 publick Notice is to be Given to all the adjacent Colonies;
 p. 39 therefore the Sale is deferred so long that all parts may have
 timely Notice, besides the Assembly and Provinciaall Court will
 then be Mett at S^t Maries. And Whereas it being made
 appear that there is some small quantity of Gold Dust &
 broken silver imported in the said Vessell; it is therevpon
 further Ordered that the Kings ffifth part of each be deducted
 and delivered into the hands of George Plater Esq^r the Kings
 Receiver Gen^l by him to be kept in specie Untill further Order.

Mordecai Vpon Petition of Mordecai Moor of Ann-Arrun-
 Moors Pet & dell County to this Board humbly praying that the
 swearing Mr Evidence of Henry Hanslap might be taken in the
 Hanslap said County on behalf of the Widdow and Executrix of George

Parker against whom the said Moor had commenced an Lib. H. D. Action in the Provinciaall Court but for above these ffive years had been delayed for want of the said Evidence appearing being distempered in Body and Vnable to Travell.

The Prayer of the Petitioner is granted and Ordered that the same be performed according to Law.

Richd Hills
Pet & An-
swer, &c The Petition of Richard Hill Master of the ship Hope of Maryland seting forth that he was bound with his said Vessell on a Voyage directly to Guinia and therefore prayed the Order of this Board for his speedy Clearing, without which the Collector had Refused to dismiss him.

The said Petition was Rejected, for reason of a certain Instruction from their Ma^{ties} to his Ex^{ncy} relating to the premisses, which runes in these following Words, viz^t

Ships not to
Trade into
Africa with-
out leave of
the Royall
African
Company And you are to take care that there be no Trading from Maryland to any place in Africa within the Charter of the Royall African Company; And you are not to suffer any ships to be sent thither without their leave and Authority.

Produced and Read at the Board Letter from M^r Blathwayt to the Hono^{ble} S^r Thomas Laurence of the 21th of Aprill last and another of the 19th of the said month vnto George Plater Esq^r Ordered that the same be Entered in the Journall of this Board. The s^d Letters follow in these Words, Viz^t

Mr Blath-
wayts Letter
to S^r Tho;
Laurence

Whitehall 21th Aprill, 94.

S^r In the first place I must tell you that I am very glad you are out of trouble which the Governour & your sickness brought upon you; then I may congratulate with you of such a new Governour as you will be pleased with, and therefore I do not say any thing to you in Answer to the several questions concerning your Office, which Coll Nicholson will Regulate in Every point to your satisfaction. I am attending his Ma^{ty} the next weeke to fflanders so that you will the more easily excuse me for not Enlarging at present, but assure yourself that I am,

p. 40

S^r

Yo^r most faithfull humble Servant
W Blathwayt

Lib. H. D. Mr Blath-
wayts Let-
er to Mr
Plater

Whitehall, 19th Aprill, 1694.

S^r

I have Received your Letter of the 27th of Jan^{ry} last with a Duplicate, but no Accounts, the want of which you say is occasioned by M^r Randolphs absence, and you give me leave to Expect them by the next Conveyance, which is very necessary.

Coll Nicholson your Governour goes by these ships who will Regulate all Matters relating to the Revenue, and put them in such a course as they are fit to be, from whom you will likewise Receive Directions, what allowance is to be made to Masters of Ships for passing Bills.

As to the ffines which you Receive in specie, there is no doubt but that the Tobacco is better sold in the place then ship'd for England; and you may be guided in all these matters by your Governour. I am S^r

Yo^r most humble Servant
W Blathwayt

The said Letter was directed thus
Viz^t To George Plater Esqr Col-
lector & Receiver of their Ma^{ty}
Revenue in the District of Petux-
ant,

Maryland

Whitehall His Excellency acquainting the Board that he had sent down for the Indians to ask & know of them in what condition they were in, it was thereupon Moved to his Ex^{ncie} by some of the Members of the Councill that consideration might be had concerning an Indian that had made his Escape out of prison being Committed Upon suspicion of killing an English Man; Wherevpon Resolved & Ordered that M^r Attorney Generall be consulted to know what the Law directs in that case, and that he make Report thereof to this Board to Morrow.

Emperour of Piscatto-
way Appear at the Board
p. 41 The Indians, Viz^t Passop Emperour of Piscatto-
way together with ffive of his Great Men Appear here at the Board; to whom his Ex^{ncie} was pleased to declare the Reason of sending for them in manner aforeexpressed, for which they all seemed well satisfyed and thankfull, the said Emperour telling his Ex^{ncy} that he should be always ready to obey all Orders of Governm^t and keeping the Articles of peace, but withall signified that he had an unruly people to Governe and therefore desired protection for himself and family and such others of his ffriends as should come with him, in case he should be forced (through danger of his life) to leave them. They are Ordered to Appear at the Board again to Morrow.

Whitehall

July 28th 1694.

Lib. H. D.

Articles of
peace with
the Indians
&c^a to be
Recorded in
the Prov^l &
County
Courts
Whitehall

Ordered that the Originall Articles of peace Entered into by the severall Nations of Indians with this Governmen^t be inquired after and put vpon Record in the provincially Office & the severall County Courts of this Province.

Attorneys
cousulted
abt an In-
dians break-
ing Prison
&c^a

Ordered that the severall Attorneys now in Town be sent for to Attend this Board, to give their Opinion about the Indian prisoner, who made his Escape, whether the same might be deemed a breaking of Prison according to the law of this Province; therevpon Appeared at the Board ffour Attorneys Whitehall belonging to the Provincially Court, who vpon the State of the Case and perving the Act of Assembly were all of Opinion that the same was no breaking of Prison within that Law, by Reason that the Sherriffe gave him leave to walke out of dores.

Indians
again Ap-
pear & are
asked to
surrender vp
the Indian
Escaped out
of Prison
Whitehall

The Indians again appear at the Board and asked to Surrender vp the said Indian King, being given to understand that there will no advantage be taken for making such his Escape, it being deemed no breaking of prison by Law, who do make Answer that they will take what care they can about the same or at least give Notice to the English if he should come into their ffort, to the end they may apprehend him.

July 27th 1694.

Cap^t Jasper Hicks Commander of the King ffisher being Commandore was sent for into the Councill, who vpon his Appearance, his Ex^{cy} was pleased to ask him, about what time he designed to depart out of the Province for England, and where he intended to make vp the ffleet vnder his Con- voy, who made Answer that he designed to Sayle by the 13th of September next at farthest; and that he would make vp the fleet at Point Comfort the Usual place. Whitehall

Embargo
Ordered till
13th of Sep-
tember

Ordered that no ships be at present Cleared but what shall give Bond to go down to Point Comfort to be ready to Sayle vnder the Convoy 13th of September next. p. 42

Lib. H. D. Several
Masters of
ships Pet to
be Cleared,
Rejected.

The Petition of Cap^t Richard Cheshire and two other Masters of ships seting forth their being now in Readiness to sayle and the Expence they lay at, therefore humbly prayed the Order of this Board for their Clearing; To which was answered that the same cannot be complied withall by reason of an Instruction from their Ma^{ty} to the Governour here which says, that ships shall not sayle in time of Warr but in fleets vnder their Ma^{ty} Convoys, and there being two Men of Warr now in the Countrey appointed for Convoys, who are to Sayle the 13th of September next; therefore the said Petition is Rejected.

Mr Attorney Gen^l lays before the Board the following Representation Viz^t

To his Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l and Governour in Chief and to the Hono^{ble} their Ma^{ty} Councill of Maryland.

Mr Platers
Representa-
tion about
Coll Blakis-
ton

George Plater humbly Representeth that Coll Nehemiah Blackiston late Collector of Potomock District having in his lifetime taken severall Navigation Bonds and Bills of Exchange for the satisfaction & paym^t of their Ma^{ty} Duties & Impositions arising & becoming due to their Ma^{ty} for the support of Governm^t within the afores^d District, And whereas Orders having been heretofore Granted by the Hono^{ble} the President and Councill the then Governm^t of the Province that the Widow & Administratrix of the said Nehemiah Blakiston dec^d should deliver vnto the said George Plater all Bonds &c^a which were in her possession at the time of the death of her deceased husband relating to & belonging to that Office, the which Order has not as yet been complied with, the Widow and Adm^{rx} pretending her self a stranger to those Affairs; The said George Plater therefore humbly desires your Ex^{ncies} Consideration thereof and that further Ord^r be made therein, And that all the Bonds, Certificates & Papers may be speedily delivered in they being of great Import to their Ma^{ty} Service which is humbly Recommended to your Ex^{ncies} consideration by Yo^r Ex^{ncies}

most obedient Serv^t

George Plater

Ordered that (as Attorney Gen^l) he take care to see the same prosecuted according to Law; And that as the Kings Receiver he take care of what shall belong to the King.

p. 43

Ordr for
interring the
bodies of
the late
Govern^r
Copley and
his Lady

It being Represented to his Ex^{cy} that the Bodies of the late Governour Copley and his Lady deceased lye still Uninterred at the Great house and considering it was expected some Order should have been received er'e this time for Conveying the same by some Mann of Warr or other Vessell for England, but there

Whitehall

appearing as yet no such Order, and fearing longer delay of Lib. H. D.
interring the same may prove obnoxious to the parts here-
abouts; therefore Ordered that immediate care be taken for
preparing a Vault to lay the said Bodies in, and that the
Ceremony of interring the same be performed at the next
Provinciall Court with all the decency & Grandure the consti-
tution and circumstance of Affairs will admitt off; And that
three brass Guns, being all that's to be had be in readiness
and the Militia of the adjacent parts.

It being discoursed at the Board that there had been a
Rumour & Report in England how that this Province of
Maryland (vpon the death of the late Governour Copley)
would in all probability have been in as great confusion and
distraction as it was in the time of the Revolution if in case
his Ex^{ncy} S^r Edmond Andros Governour of Virginia had not Whitehall
come over to appease and settle the same in quiet; and it
being further Noised in Virginia that if his Ex^{ncy} S^r Edmond
Andros had not a second time come over at the last Provin-
ciall Court here held the said Court must necessarily have
fallen for want of sufficient number of Justices to hold the
same whereby a totall failure of Justice must consequently
have followed—

Govern^rs
Queries to
the Councill
relating to
S^r Edmd
Andros's
coming over
hither &c
W:

His Ex^{ncy} desired to know and be informed from
the Board whether these things were so or not; sup-
posing severall of the Gentlemen here present to be
at the transaction of all these Affairs, therefore willed
them to give some Account in relation to the
premises—

Councills
Answer to
the Govern^rs
Queries
relating to
S^r Edmond

To which the Gentlemen of the Councill now
present do respectively answer as follows, Viz^t That
vpon the death of the late Governour Copley which
happened the 9th of September, the Gentlemen of
the Councill (to witt) S^r Thomas Laurence, Coll
Nehemiah Blakiston, Coll Nicholas Greenberry, Coll Charles Whitehall
Hutchins, Coll David Browne, Thomas Tench Esq^r Cap^t John
Addison Cap^t John Courts & Thomas Brooke Esq^r were mett
at the City of S^t Maries the 20th following To which the
Assembly of the Province was by the late Governours Procla-
mation called to Meet likewise by the time aforesaid and in a p. 44
dispute between S^r Thomas Laurence and Coll Blakiston con-
cerning the Right to the Presidentship of the Province of
Maryland had Agreed to a Conference with the Assembly in
Order to an Amicable Agreement for settleing the Governm^t
according to the Kings Commission as appears by the Journall
of the House of the said Assembly but vpon a Letter sent

Lib. H. D. from S^r Edmond Andros by M^r Sherlock Clerk of the Council of Virginia, intimating that S^r Edmond was speedily coming over with a Commission to Enter vpon this Governm^t vpon the death of Governour Copley they deferred the said Conference And vpon his Arrivall which was the 25th following he produceing their Ma^{ty} Commission they willingly and readily submitted to the same

Thomas Laurence
Nich: Greenberry
David Browne
John Addison

Present to the 22^d of September and }
Agreed to the s^d Conference } John Courts
Tho: Brooke

That as to the second part of his Ex^{ncies} Demands, severall Justices & Commission^{rs} of the Provinciaall Court living at some distance from the City of S^t Maries were on their Voyage & Journey in Order to be at the said Court the first day of the session thereof but by Extremity and stress of Weather, there did not come a sufficient Number of Justices to Enter vpon Business yet enough to Adjourn the Court according to the Law of the Countrey; the next day there appearing a full Bench.

I was upon my voyage

Nich: Greenberry
David Browne
Thomas Tench
John Addison
Tho: Brooke

Governors
Representa-
tion about
Doctor
Payne
p. 45
His Excellency Representing to the Board that one Doctor Payne in England had set forth and signified to him how that he the said Doctor Payne had been a person very instrumentall in Solliciting and Carryeing on the Affairs of this Province in the time of the late Revolution and to the said End & purpose kept a frequent correspondence with the Chief Men then in Governmen^t His Ex^{ncy} was desirous to know if there were any Gentlemen here present that had been privy to such Matters, to which they severally Replied, they were ignorant of any such thing, but supposed that M^r Cheseldyn & Cap^t Cood could give his Ex^{ncy} the best satisfaction therein and therevpon Ordered that the said M^r Cheseldyn & Cap^t Cood be sent for to Attend this Board on Munday next to know what they can say in the premises.

July 28th 1694.

Lib. H. D.

Read a Letter from the Commissioners of the Custome house of the 24th of Aprill last directed to the Rector & Governor of the Colledge of William and Mary in Virginia; Ordered that the same be Entered in the Journall of this Board, the which follows in these Words, Viz^t

Gentlemen

Comma-
sion^{rs} of the
Custom
house Letter
to the Rec-
tor of Virga
Colledge

Wee have Received yours of the 18th November wherein you seem to be of Opinion that the Propositions for allowing the Officers in Virginia and Maryland certain Annuall Sallaries instead of three fourth parts of the Duties arising by the penny per pound on Tobacco within their respective Districts will be prejudiciall not only to the Colledge but to their majesties interest, And you having proposed Twenty p Cent as a sufficient Allowance for Collecting the said Duty with which you say the Collectors being generally well wishers to the Colledge will be content, Wee shall take our Selves noe further concerned therein then to Refer the same to you for making such Agreement and Settlement with the said Collectors, who will otherwise find Encouragement for their diligence in putting in Execution the Acts of Trade and Navigation by the third part of the fforfeitures thereby provided for them. Wee concurr with you in Opinion that the Office of Comptroler & Surveyo^r Gen^l is superfluous since the Governo^r of the Colledge can Audit the Acco^{ts} of the sevarall Collectors And Wee Agree as you desire that the said Office be let fall and the profits thereof saved to the Colledge which you are to signifye to M^r Philip Lytfoot the present Compt^r and Surveyo^r with the offer of the next suitable Collectors place that shall become Void. Wee have considered the Reasons offered by you against sending this Duty of a penny p pound for England, And as for what thereof shall be actually paid down in Money Wee think it needless that it should be remitted hither And do therefore Agree with you that it be kept in the Countrey and applyed to the Vses of the Colledge p. 46 And if there can be good assurance had that the Tobacco which is taken in lieu of this Duty for want of Money to Answer and pay the same, shall be really shiped for England by the persons to whom it shall be sold, Wee shall incline to the said proposalls for settleing thereof in the Countrey to the best advantage rather than rune the hazard of the Sea in

Lib. H. D. the importation of it hither for the Colledges Account and sending back the produce thereof, Wee are

Gent^r Yo^r affectionate ffrriends & Servants

Custom house Lond^o

24th Aprill 1694

Directed thus

ffor the Rector & Governo^r of
the Colledge of William & Mary
Virginia.

Jo: Werden

Robert Southwell

C Godolphin

Robert Clayton

P Ward

Read two other Letters from the said Commission^{rs} both directed to his Ex^{ncle} Governo^r Nicholson, the one of the 23th of febr^y 1692 and the other of the 16th of March 1693, both Ordered to be Entered and are as follows, Viz^t

S^r

Commis-
sion^{rs} of the
Custom
house's
Letter to
his Ex^{ncy}
touching
Capt Meech

Wee have before Us the Case of Thomas Meech touching his late transgression by trading between Virginia & Scotland with forged and counterfieted Certificates which by your great care & Zeal for the publick Service were timely discovered and trans-
mitted to Vs, But because the said Meech has not only made a free and open confession of his fault but given you some Information of frauds Acted & done by others in Virginia, which at your safe Arrivall there (wherein our good Wishes attend you) Wee are assured will by your prudent Managem^t be improved for their Ma^{ty} advantage, and is now personally Engaged in discovering and bringing to punishm^t here in England some Notorious Offenders as well ships & Vessells as their Employers which is partly known to you; Wee have thought fit to make a Tryall of him in this Affair for some time and do desire you to Respit the prosecution of the Bonds against him & his Sureties in Virginia vntill you shall heare farther from Vs concerning him. And as for any other Bonds taken in pursuance of the Act of Navigation Wee desire you to have a particular Reguard therevnto, causing a
p. 47 Vigorous prosecution of them which are become forfieted; And that no Bond be delivered vp to be Cancelled, but by very good Certificates from England vnder our hands that the Condition thereof has been really fulfilled.

Whereas M^r Nehemiah Blakiston one of the Collectors in Maryland is indebted to their Ma^{ty} vpon his Account in a very considerable Sume and is otherwise suspected to be guilty of indirect practices in his Office Wee are obliged for their Ma^{ty} Service to give you a farther trouble desiring you at your first going to Maryland to Call the said Blakiston to Account, And

if vpon Examination of his Books or otherwise there Appeare Lib. H. D.
to be Cause, that you suspend him and imploy some able
trusty person in his stead, tis farther Ordered from Vs and as
anything may occur to you concerning the behaviour of the
other Officers in Maryland necessary for our information Wee
shall desire to heare from you

Wee are S^r
Custom house 23th of
febr^y 1692
Directed
ffor the Hono^r
ffrancis Nicholson Esq^r Governo^r
of their Ma^{ty} Colony of
Maryland.

Yo^r humble Servants
Jo: Werden
Robert Southwell
Pat: Ward
Robert Clayton

Commis-
sioners of
the Custom
house Letter
to his Ex^{ty}
touching
Tob^o Ex-
ported hence
to the plan-
tations

S^r

Being informed from the Commission^{rs} of their
Ma^{ty} Duties of ffour and halfe per Cent in the Island
of Barbados, that the Tobacco imported thither from
Virginia, Maryland & other Northern parts in
America doth occasion great trouble & Charge to
their vnder Officers in the Weighing thereof Because
the Certificates mentioning the paym^t of the penny p pound
Express only the Numbers of hogsheads, Bundles or Trusses
without either the Weight of each particular hogshead or the
Weight of the whole parcell contained in such Certificate,
thereby rendring the said Officers incapable to Discover any
fraud to their Ma^{ty} prejudice in the short payment of the said
penny p pound which Duty by some former instances hath
been frequently compounded at little more than halfe Vallue,
for avoiding of which evill practices for the future and making
this Examination more easie and certain to the Officers in
Barbados & other Plantations, Wee desire you will please to
give particular Instructions to all our Officers within your
Governm^t that they do not presume to Certifye for any
greater quantity of Tob^o than for which the Duty shall be first
Answered & paid to them. And that in their Certificates they
do mention both the Numbers of hogsheads Bundles & Trusses
and the exact Weight thereof, Wee are S^r

p. 48

Custom house Lond^o
16th March 1693.
Directed thus
ffor the Hono^r
ffrancis Nicholson Esq^r Governo^r }
of their Ma^{ty} Colony of Maryland }

Yo^r very humble Servants
Jo: Werden
Rob^t Southwell
P: Ward
Rob^t Clayton

Lib. H. D. Coll Robo- His Hono^r Coll Robotham being lately come from
 tam per- England and not as yet been at home since his
 mitted to Arrivall, humbly desired the leave of his Ex^{ncy} and
 Retire the Board to Retire home, which was accordingly
 Home Granted him.

Capt Bayns Petition of Cap^t John Bayne, moving about the
 Pet about Sheriffs place of S^t Maries County being Read, was
 Shffes. place Rejected; Cap^t Cood being made Sheriffe by Ord^r of
 Rejected Councill Yesterday.

Richard Petition of Richard Sheppard of Calvert County,
 Sheppards Read setting forth some ill Usage he Received in
 Pet Referred that County Court; Ordered that the Petition^r be
 to the Comm- Referred to the Commissioners of the said County
 ission^{rs} of the County Court and that they Return Answer to this Board
 the County Court for with all convenient speed.
 Answ^r

Coll The hono^{ble} Coll Nicholas Greenberry delivered
 Greenberry to his Ex^{ncy} at the Board the Broad Seal of the
 delivers the Province, the which his Ex^{ncy} was pleased to leave
 Broad Seal vpon the Board with the Gentlemen of the Councill
 to his Ex^{ncy} to be put in the Custody and Charge of such person as they
 shall think fit; but vpon consideration had it was Agreed vpon
 to be his Ex^{ncies} Right and that the same should be Returned
 to his Ex^{ncy} again to dispose thereof as seems best to his Ex^{ncy}
 and therevpon S^r Thomas Laurence tooke Charge of the same
 to Redeliver it to his Ex^{ncy}

His Ex proposes whether the calling an Assembly was requisite
 &c^a Proposed by his Ex^{ncy} to the Councill whether
 there was occasion of calling an Assembly signifyeing
 to them that as he would not be wanting in his Duty
 to their Ma^{ty} when it was for their service to have
 one neither would he put the Countrey to Charge
 when there was not an absolute Necessity to call an Assembly
 and therefore would have them consider well of it.

Whitehall July 30th 1694.
 To which Demand of his Ex^{ncy}

p. 49 The Secretary and Members of the Councill humbly offered
 the Reasons following for calling an Assembly, Viz^t
 ffirst

Councills Reasons for calling an Assembly That by a Proclamation issued by his Ex^{ncy} the
 late Governo^r Copley and Councill, Dated August
 25th 1693, it was thought fit for diverse weighty
 Reasons then appearing to them to Summon the Assembly

which had been continued from the 10th of May 1692 by Lib. H. D.
severall Adjournm^{ts} and Prorogations to Meet again on the
20th day of September 93, on which day the said Assembly
did Meet accordingly and Sate till the 26th day of the same
Month; But the late Governo^r Copley dyeing on the 9th day
of September, S^r Edmond Andros Arrived the 25th with their
Ma^{ty} Commission to take the Governm^t of Maryland and on
the 26th dissolved the same.

2: The Members of the Councill are of Opinion that the Whitehall
Reasons which Moved the late Governo^r Copley & Councill
to Convene the said Assembly do still subsist with greater
Reason.

3: That whereas vpon the Accession of every Governo^r to
his Governm^t the Generall Expectation of the Province is that
an Assembly be called for the settleing a more perfect vnder-
standing between the Governo^r & Governm^t The Gentlemen
of the Councill do now vpon their particular knowledge
Represent to your Ex^{cy} that the calling of an Assembly is
both the expectation and humble desire of this Province of
Maryland in Order to the passing of such publick Acts as may
conduce to their Ma^{ty} imediate service and to the generall
Good & advantage of this their Province.

ffor settling the publick Revenue; all Matters touching the
Protestant Religion according to the doctrine & discipline of
the Church of England as relating to the persons of Church
Men and Establishing on them a competent Revenue; as also
for Erecting free scholes with competent Maintenance the
paym^t of Arrears of publick Debts due to the Rangers and for
publick Entertainments and vpon Bills of Exchange not paid
with diverse other Reasons.

They do further desire that M^r Cheseldyn being formerly
Speaker of the house of Burgesses may be sent for and asked
about it, who accordingly Appeared; His Ex^{cy} was pleased to
aske him whether or no he thought the Calling of an Assem-
bly would be to the service of the King and good of the
Countrey and what sentiments the Members of the house had p. 50
vpon the Dissolution of the last Assembly; To which he
Answered that he believed the calling of an Assembly was
generally expected throughout the Province, and that the
interest of the Province would Require the same for severall
weighty Reasons; Viz^t such as Reviewing the Laws and pay-
ing off old Arrears, now become very great; and as to his
Ex^{cies} last demand he does say that the suddain dissolution
of the last Assembly was very surprizing to the whole house. Whitehall

ffor which Reasons aforesaid there appearing a Necessity
for the imediate calling an Assembly; therefore 20th of Sep-
tember next is appointed for the Meeting of an Assembly

Lib. H. D. Ordered that Writts of Election issue accordingly pursuant to the Act of Assembly of this Province.

Coll Jowles
made keeper
of the Broad
Seal
Delivered by his Ex^{cy} at the Board, vnto the hono^{ble} Coll Henry Jowles, the Broad Seal of the Province to be Keeper thereof; And it being moved by his Ex^{cy} to know how the Court of Chancery has vsually been held in this Province; therevpon M^r Kenelm Cheseldyn was inquired off about the premises, who being asked the question does say that the same Judges which heard & determined Matters at Common Law have generally likewise determined Matters in Equity Ordered therevpon that the Court of Chancery continue to proceed in all respects as formerly, the Judiciall part thereof only at present excepted.

Coll Green-
berry Moves
tht the fees
Accruing by
the Great
Seal during
his Custody
of the same
may be
allowed him
The Hono^{ble} Coll Nicholas Greenberry formerly Keeper of the Great Seal humbly Moves his Ex^{cy} to know whether he may have liberty to Collect the fees accruing by business passed the said Seal during his Custody of the same Wherevpon Ordered that the said fees be allowed and paid to the said Coll Nicholas Greenberry to his owne proper vse according to Law, And that the Clerk of the Provinciaall Court give his Hono^r a List of such fees as by Process, precepts, Commissions or other Writings issued out of that Office, from the time of his Ex^{cie} S^r Edmund Andros his Accession to this Governm^t vntil this day, being there prepared and sent to his Honour to pass the Great Seal.

Petition of Edward Randolph Esq^r being presented to his Ex^{cy} and Councill was Read as follows, Viz'
To his Ex^{cie} Coll Nicholson Cap^t Generall & Governo^r of their Ma^{ty} Province of Maryland in Councill.

Esq^r Ran-
dolphe pro-
posall about
the ship
Anne
The humble proposall of Edward Randolph Sur-veyo^r Generall of their Ma^{ty} Customs of the Continent of America May it please yo^r Ex^{cie}

p. 51 Some time since I Seized for their Ma^{ty} the ship Ann of Maryland, John Blackmore Master for being loaden with Tobacco before security first given according to Lawe That being prevented by bad Weather in the Bay I came not from James River to the Provinciaall Court holden in S^t Maries till the 15th day of May last in the morning in Order to trye the ship about Eight that Night I Received a Coppy of an Order of the ffourth of May directing M^r Plater to take care for due proceedings against the said ship, but the Juryes being dismissed that Cause then could not be Tryed: but a

Commission was directed to ffive persons to meet at Battle Lib. H. D.
Town on the 19th of June following to Trye that ship. I
accordingly went thither With M^r Plater & M^r Clarke to prosec-
cute the Vessell, but by the Neglect of the Sherriffe or other-
wise, the persons Nominated Commission^{rs} were not duly
summoned neither were any of the Witnesses summoned
to Appear to give in their Evidence for their Ma^{ty} so
that for want thereof they could not prosecute at that time:
It's humbly proposed on their Ma^{ty} behalfe that in regard
three only of the ffive Commissioners were summoned (coming
accidentally to Battle Town that Morning) and before hearing
the Cause, acquitted the ship from her Seizure;

That your Ex^{cies} will please to Order a Commission to be
issued for a speedy Tryall of the said ship at S^t Maries
directed to persons vninterested in the Cause all which is
humbly submitted &c By

E Randolph

Ordered that this Petition be Referred to M^r Attorney
Generall to advize therein and make Report to the Board
Monday Morning next.

July 30th 1694.

M^r Attorney Generall accordingly Reports to the Board as
follows, Viz^t

To his Ex^{acy} ffancis Nicholson Esq^r Cap^t Gen^l & Governo^r
in Chief and to their Ma^{ty} hono^{ble} Councill of Maryland.

M^r Attorney
Gen^{ls}
Report vpon
the aforesd
Pet Referr'dIn obedience to your Ex^{cies} Ord^r of Reference to
me directed to pervse the Representation made to
your Ex^{acy} by Edward Randolph Esq^r Surveyo^r Gen^l
of their Ma^{ty} Customs vpon the Continent of America
I humbly signifye I have pervsed the same and do presume
the Matter of fact therein contained to be true and further that
in as much as the said Edward Randolph Esq^r thought it not
fit for their Ma^{ty} service to prefer an information (two of the
Justices of the Court in the Commission mentioned not being
sum^ooned) as also the Evidences for the King not Appearing; p. 52
And forasmuch as that the King ought not to be surprized or
Judgment given against him where noe Information filed
wherein the breaches Committed against their Ma^{ty} Acts of
Trade might have been Assigned, I humbly concieve that the
Proceedings of three of the Justices of the Speciall Court
mentioned in the Commission for Tryall of the said ship in the
taking of the Seizure of the same made by the said Randolph

Lib. H. D. cannot be conclusive to the King but that the ship is answerable for what breaches (if any) have been by her Committed against their Ma^{ty} Acts of Trade and Navigation all which is humbly submitted by

Yo^r Ex^{cy} most obedient
humble Servant
George Plater.

The which being read; M^r Tench Defendant in the Matter in question humbly Moved that time might be given him to Answer thereto, and therevpon Ordered that time be given to the said M^r Tench to answer thereto and that Coppy of the said petition and Report be given him.

Coll David Browne sworn Councillor &c^a The Hon^{ble} Coll David Browne appears at the Board, who had Administered Unto him the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath of Councillor, and Afterwards subscribed to the Test.

Councillors Ordered to be principle Commanders in the Counties where they live Ordered that where any of the Gentlemen of the Councill Reside within any of the Counties of the Province, that the same be principle Officers & Commanders of the Militia within their severall & respective Counties.

Militia Officers for Charles County Ordered that the hon^{ble} Cap^t John Addison be Commissionated Collonell of Charles County in the roome & stead of Coll Humphrey Warren and that M^r William Hutchinson be constituted Captain over the Troope which was Cap^t Addisons; that Cap^t John Courts have Com^{is}sion to be Lieveten^t Collonell, M^r Henry Hawkins to be Cap^t of Cap^t Courts's Troope of horse and that Maj^r Smallwood remaine Major; Cap^t W^m Dent to be Coroner instead of M^r John Stone.

Militia Officers for St Maries County That S^r Thomas Laurence Baron^t be Commissionated Collonell for St Maries County, Cap^t John Cood Lieveten^t Collonell and that Maj^r Cambell remaine Major.

p. 53 That Coll Henry Jowles be Collonell for Calvert County instead of Coll Beale and that the said Beale have Commission to be Lievetenant Collonell and that M^r Thomas Greenfield be Commissionated Major.

That Maj^r Henry Ridgely be Commissionated Lievetenant Collonell for Ann Arrundell County and that Captain John Hammond have Commission to be Maj^r in his stead.

Baltimore
County
Commission
of the Peace
Renewed

Ordered that New Commission of the Peace and Lib. H. D.
for Tryall of Causes be Renewed for Baltimore
County and that M^r Francis Watkins & Cap^t Thomas
Hamond be aded to the said Commission.

Kent
County
Commission
of the
peace &c^a
Renewed

That the like Commission be Renewed for Kent
County with the addition of M^r William ffrisby, M^r
John Hinson, M^r Phillip Conner and M^r Thomas
Ringald, and that M^r William ffrisby be of the
Quorum.

Kent County
Militia
Officers
Appointed

Ordered that the persons following be Commis-
sionated Militia Officers for Kent County, Viz^t M^r
William ffrisby, Major, M^r Hans Hanson Captain of
horse and M^r John Coppage Captain of foot.

Vpon Reading Proposall of Esq^r Randolph their Ma^{ty} Sur- Whitehall
veyo^r Generall and Representation of Esq^r Plater their Ma^{ty}
Receiver relating to the Administratrix of Coll Blackiston
about the Kings Revenue, seting forth that the said Estate
was much indebted to their Ma^{ty} but yet could get no papers
out of her hands pursuant to a former Order of this Board.

Esq^r Ran-
dolph and
Esq^r Platers
proposall
about
Adm^{ty} of Coll
Blackiston
&c^a & Ord^r
thereon

Ordered therevpon that Edward Randolph Esq^r,
George Plater Esq^r M^r Kenelm Cheseldyn, M^r
Robert Mason, Cap^t John Bayne and M^r Philip Lynes
goe to the house of the said Madam Blakiston and
make Demand of the Surrender of all Bills, Bonds,
Certificates, Writings & papers whatsoever any ways
relating to or concerning their Ma^{ty} Duties and Cus-
toms here And in case the said Madam Blakiston refuse or deny
to surrender vp the same vpon such their demand, they or as
many of them as shall meet vpon the place are hereby Empow-
ered to take the assistance of a Constable along with them and
so break open any trunck, Chest, truss or Lock whatsoever in
Order to search out all such papers as are found to concern their
Ma^{ty} as aforesaid the which by them are to be close sealed vp
with one Seal, and the said Madam Blakiston (if she thinks fit)
with another Seal with leave of any person or persons as she
shall bring to be present at the sorting of the said papers and
taking an Account of the same, which are to be left in the p. 54
Custody of Esq^r Randolph by him to be kept & preserved in
Order to be brought before this Board the 21th of September
next, then to be broke open & inspected, And lastly Ordered
that an Oath be administred to the said Madam Blakiston
that she knows of no other Papers relating to their Ma^{ty} Re-
venue &c^a to be in the Custody of her selfe or any other person
or persons by her employed.

Lib. H. D. Depositions agt Esq^r Randolph relating to Trade Ordered to be sent for England Whitehall
Produced at the Board severall Depositions & papers against Esq^r Randolph relating to Trade Ordered that Authentick Coppyes of the same be sent to the Commissioners of the Custom house this next shipping.

Representa- tion about Somerset County Court & Ord^r about the same
Whereas it is Represented in Councill that some of the principle inhabitants of Somerset County have by their particular sway thought fit that the holding Courts for that County should be performed at some other place than where the same are now kept & held; Notwithstanding the scituation of the place is nigh the heart & Center of the said County, and for that reason most convenient; however the abovesaid persons not regarding the common good and interest of their Ma^{ty} good people the Inhabitants thereof, have by their power, to serve their own private Ends proceeded so farr as to begin to Erect and build a Court house within six miles of Virginia, lyeing at the very out side of the County, which extends nigh fforty miles in length, and so by consequence much out of the way of Business.

Ordered therevpon by advice in Councill as it is hereby Ordered the person or persons manageing the said Worke wholly desist from carrying on the aforementioned Building for any such vse. And further Ordered that the Sherriffe of the County vpon the summoning the inhabitants together for the Election of Burgesses do at the same time take their severall Votes vnder their owne hands in Writing to the End it may be seen & known from them distinctly & severally where they do think is the most convenient place in that County to hold Courts, a due Return whereof he is to make to this Board with all convenient speed.

Whitehall

July 31th 1694.

p. 55 Edward Randolph Esq^r Sworn Councillor
Edward Randolph Esq^r appointed one of their Ma^{ty} Councill for this Province appeared at the Board, who had administered vnto him the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy as also the Oath of Councillor and likewise subscribed to the Test.

Whitehall The following Order (by directions of his Ex^{cy} was drawne & issued to the severall Counties of the Province in manner following viz^t

By his Ex^{ncy} the Governo^r & Councill &c^a

Lib. H. D.

July 31th 1694.

Order of
Councill re-
lating to the
Officers
Civill &
Military of
the severall
Counties for
to make
Return &c^a

Ordered that the Commissioners of the severall & respective Counties within this Province give Directions to their Clerk to draw out a List of the severall ffines & forfeitures appearing vpon Record in the said County Courts together with an Account of the severall & respective Majestrates & Officers belonging to their said Courts, as also what parishes laid out within each County to be sent vnder the hands of the said Justices Unto this Board by the 20th day of September next And that the Sheriffe of each respective County give Notice to the severall & respective Mititary Officers within their several precincts that all and each of the said Officers do take an exact & particular Account by a strict Survey & Examination had of every particular soldier vnder their Command of his Name, Equipage and instruments of Warr he is furnished withall; an exact List whereof as to the Name & furniture of each Soldier being taken, all the Commission Officers of each respective Company or Troope are hereby Enjoyned to transmit the same vnder their hands distinctly together with an Account of what publick Arms are in their severall Counties and how the same are fixed; as likewise what powder & Ball lyes lodged within ther Counties to be ready at the place & day above recited; Lastly the said Sherriffes are likewise to Give Notice to all and singular the Vestrymen of each parish within their said Counties that by the time & to the place aforesaid they make Return of the Number of Tythables in each parish laid out; what Sumes of Tobacco has been by them Received, pursuant to the Act of Assembly and how disbursed & laid out and what Churches built, a building or in readiness to be built; And to the End no person may plead ignorance in these Affairs, the Sherriffe of each respective County is to publish & make known this Order at the County Court held in August within each County.

Whitehall

Signed p Ord^r

Hen: Denton C of Council

His Ex^{ncy} Demands of the Board if there was anything else they could think off at present to Offer, who having no more to Offer or say his Ex^{ncy} told them that he hoped they would all appear at the Meeting of the Assembly.

p. 56
Whitehall

At a Councill held at the Councill Chamber at the City of S^t Maries the 21st day of Sep^r in the Sixth Year of the Reign

Lib. H. D. of our Sovereigne Lord & Lady King Will^m and [Queen] Mary
King & Queen of England &c^a Anno Dom: 1694

Present

His Exce^{ncy} ffrancis Nicholson Esq^r Cap^t Gen^l &c^a

S^r Thomas Laurence Barron^t Secr^y

Coll Hen: Jowles

Coll Geo: Robotham

Coll Nich^{as} Greenberry

Coll Cha^s Hutchins

Coll David Browne

Coll Jn^o Addison†

Tho^s Brooks Esq^r†

Tryall of the Ship Anna
Hellena of Belfast Or-
dered George Layfield Esq^r their Maj^{ties} Collector for
for Pocomock District informeing the Board of a
certain Vessel by him Siezed Named Anna Hellena
of Belfast, Samuell Murthland Como^r did humbly
desire a day might be appointed for tryall of the Ship accord-
ing to Law and one M^r Browne Mercht in the sd Vessel like-
wise appearing it was Mutually Agreed vpon that the s'd
Ship be brought to Tryall third day of Octob^r next before the
Justices of the prov^l Court and thereupon Ordered that the
sd Ship be tryed the day prefixed Accordingly

Sept^r the 24th 1694.

The aforementioned parties together wth Maj^r King Appear
Again at the Board to whom his Exce^{ncy} did Signiefye the
Adjournm^t of the prov^l Court Untill the Sixth day of Novemb^r
next and therefor demands of M^r Browne whether he will
have his Vessel Tryed by A Spec^l Court or Stay till the
prov^l Court according to Adjourn^t who makes Answer that
he had rather Stay till the prov^l Court Sits than be put
to the Charge of A Sp^l Court and thereupon Ordered that
the s'd Ship be try'd Seaventh day of Novemb^r next before
the Justices of the prov^l Court Aforesaid.

At a Councill held Sep^r 22th 1694

Present

p. 57
Whitehall His Exce^{ncy} ffran^{cs} Nicholson Esq^r and rest of their Maj^{ties}
Hon^{ble} Councill aforementioned wth the Addition of the
Hon^{ble} Tho^s Tench Esq^r and Cap^t John Courts.

Attorneys Order'd to be consulted about Appeals and Writts of Error

It being debated at the Board whether the Gover^r Lib. H. D. and Council could properly take upon them the hearing of Appeals and Writts of Error brought before them in a Judicial way; as also the regulating the Court of Chancery taken into consideration Resolved that the Kings Attorney Gen^l wth the rest of the Attorneys now in Towne be Sent for imēdiatly to give their Advice & Opinion about the same and accordingly Appeared M^r Rob^t Smith Speaker of the House of Burgesses M^r Attor^y Gen^l M^r Kenelem Cheseldyne M^r W^m Dent & M^r Charles Carroll who upon Stateing the Case and debateing the Same pro & con, did humbly crave time to advise & further consult about it w^{ch} was granted and for their better direction was delivered to them Copy of an Instruction and Clause out of his Sacred Maj^{ties} Comission to his Exce^{ncy} Francis Nicholson Esq^r relateing thereto whereof they are to make report wth all convenient Speed. Whitehall

Sep^r the 27th 1694

Produced the Answer & Opinion of the Attorneys about the same w^{ch} being Read was referred to be reheard again to morrow Morning. Whitehall

Sep^r the 28th 1694

The Attorneys Answer last night Referred taken again into consideration Resolved & ordered that the same be Sent downe to the House of Burgesses for their perusall The S^d answer runs in these following words; Viz^t Whitehall

To his Exce^{ncy} the Gover^r

Maryland
S^r

Wee have in obedience to yo^r Commands consider'd and debated the Sev^{ll} Matters Given us in Charge w^{ch} Wee conceive to consist of these two following propositions (to witt)

Attorneys opinion about Appeals & Writts of Error

1: Whether by Vertue of their Maj^{ties} Comission the Gover^r and Council are not actually qualifed & Enabled as a Court of Justice to hear and determine all Matters in Law that shall be brought before them by Error or Appeale or that there be a Necessity for any further Authority or Comission to them for the same To w^{ch} Wee humbly answer, Wee are of opinion that you and Yo^r Coun-

Lib. H. D. cill are Sufficiently Authorized and Empowered by Yo^r Co^mission from their Maj^{ties} to hear and determine all Matters in Law comeing before You either by Appeale or Writt of Error from the prov^l Court wth out any further or other Co^mission
 Whiteball or Authority for the same but Wee conceive it Necessary for information of the people that You Signifie by proclamation how often in the year you will Sit to hear & determine such matters.

2: What will be the best Methode or Manner for constituting a Court of Chancery or Equity in this province according to the constitutions of the same.

Wee Say that because you have power & Authority to constitute Erect and establish such & so many Courts of Judicature & publick Justice &c^a as to you shall seem convenient &c^a You may constitute a particular Court of Equity in this province. But then for the Hon^r of the Gover^r & Council it would be Necessary to declare by a Law that any person expecting to be relieved by Equity shall lay hold of the same by Injunction or otherwise before the Matter in Law by Appeale or Error be laid before the sd Gover^r & Council and
 p. 58 not after or else you may procure a Law to be made declaring the Gover^r & Council to be Judges in Equity wthin this province when the matter shall in a regular equitable way be brought before them by Subp^a Injunction or Petition and not otherwise And this wee say because wee are not Unanimously Agreed w^{ch} of the Two is most Agreeable to the Current of Law and constitution of this province And wee humbly Signifie that Wee take it to be Against the Current and the Meaning of the Law and incongruous of it Self to have the Same persons Judges in the Prov^l Court as also Judges in Council for the Motion of Appealing or Writts of Error is to except Against the Judgm^t of these Judges that gives Judgm^t & Appeale to other Judges in a Superiour Court w^{ch} plainly Supposes different p^rsons this is our present Opinion of the Matters abovesaid to w^{ch} wth Submission to better Judgments wee Subscribe

Yo^r Exce^{ncy} most humbly & faithfull Servants
 Sept^r the 26th 1694

Rob: Smith
 Kenelem Cheseldyn
 Geo: Plater
 Edw^d Boothby
 Will^m Dent
 Phil: Clarke.

At a Council held &c^a

Lib. H. D.

October the 17th 1694

Present

Prov^l &
County
Courts
Regulated
& Settled

His Exce^{ncy} Francis Nicholson Esq^r and all Mem-
bers of their Maj^{ties} Hono^{ble} Council except Esq^r
Randolph.

The board proceeds to the Regulateing and Settling the
Sev^{ll} Courts wthin this province and in order thereto were
call'd what Lawyers were to be had for their advice about the
same who accordingly came

Then produced and read a Prov^l Court Com^{mission} and
Dedimus wherevpon his Exce^{ncy} Demands whether that forme
will Answer in all points, the w^{ch} in the Opinion of the Lawyers
is said to be Sufficient enough Ordered therevpon th^t Com^{mission} Accordingly Issue wth A Clause to be Add'd to the
Dedimus to oblige the Judge of the sd Court to Subscribe to
the Test as well as take the Oaths, And that one of the Quorum
and four more be Sufficient Numb^r to hold Courts And one
of the Quorum & two more Sufficient Number to Adjourn
them therein and thereby constituting & Appointing the fol-
lowing persons to be Judges & Justices of the sd Prov^l Court
to hear & determine all Matters brought before them pursuant
to the s'd Com^{mission}

Whitehall

Justices Appointed Viz^t

Provinciall Court Justices

Mr Rob ^t Smith	}	Quorum
Mr Rob ^t Mason		
Mr John Wattson		
Coll S ^t Leger Codd		
Maj ^r Jno ^o Hammond		

Cap ^t Rich ^d Hill	}	Justices
Mr Tho ^s Tasker		
Mr Hen ^{ry} Lowe		
Mr W ^m Hatton		
Coll Wells		

Maj ^r Rob ^t King	}	Justices
Mr John Pollard		
Mr Edw ^d Jones		

Chancery Judges appointed.

Ordered that Mr Kenelm Cheseldyn & Maj^r Edw^d Dorley
be added to the Hono^{ble} Coll Henry Jowles Keeper of the
Great Seale for the hearing & determining all Matters in
Chancery.

p. 59

Whitehall

Afterwards produced & Read a County Court Com^{mission}
and Ordered by Advice that the County Court Com^{missions} be
limited to Ten thousand pound's Tobb^o and that no Action be
brought in the sd Courts exceeding the s'd Sum^e That one of

Whitehall

Lib. H. D. the Quorum & three more be Sufficient Number to hold Courts and one of the Quorum & two more Sufficient Number to Adjourn And that Commissions Issue pursuant thereto wth the Same Clause to be Added to the Dedimus as in the provinciall Commission therein & thereby constituteing and Appointing the Sev'll persons hereafter Nominat'd to be Justices & Commission^r within the Sev'll & respective Counties of this province Viz^t

County Court Justices.

Commission^r Appoint'd for the Sev'll Counties
Octob^r the 16th 1694

Quorum	St Maries Co:	Calvt Co:	Mr Jno ferry
	Capt Jno Dent	Mr Jno Grigg (Quorum	Mr Make Richardson
	Mr Rd Clouds	Mr Tho: Greenfield	Mr Jas Maxfield
	Mr Phil Briscoe	Mr Geo: Ligan	Capt Tho: Richardson
Justices	Capt Jno Bayne	Mr Tho: Holyday	Mr Thos Staley
	Mr Jno Lowe	Mr Jno Bigger	Mr Jas Philips
	Mr Edwd Greenhalgh	Mr ffracs Hutchins	Capt Thos Hamond
	Capt Thos Waughop	Capt Hen: Mitchell	Mr Jno Hall
Quorum	Mr Benja Hall	Mr ffracs freeman	Talbot Countie
	Capt Henry Smith	Mr Jas Leech	Capt Jas Murphy
	Mr Joshua Guibert	Mr Waltr Smith	Mr Thos Smithson
	ffor Kent Co:	Mr Wm Hans (Quorum	Mr Richd Carter
Justices	Mr Wm frisby	Mr Samll Holdsworth	Mr Isaac Winchester
	Mr Hans Hanson	Mr Wm Barton	Mr Wm Coursey
	Mr Jno Hinson	Mr Wm Turner	Mr Tho: Bowdle
	Mr Thos Smith	Mr Jno White	Mr Jno Hawkins
Quorum	Mr Jno Coppage	Chas Countie	Mr Edwd Loyd
	Mr Cha: Tilden	Capt Wm Barton (Jusc	Mr Nich: Lowe
	Mr Edwd Sweetnam	Coll Humpry Warren	Mr Jno Whittington
	Mr Phil Conner	Mr Henry Hawkins	Mr Jno Neagly
Justices	Mr Thos Ringold	Majr Jas Smalwood	Dorchester County
	Chas Hinson	Capt Phil: Hoskins	Mr Hen: Hooper
	An-Arundell Co:	Mr Robt Yates (Quorum	Mr Tho: Ennals
	Mr James Saunders	Mr Wm Hutchison	Mr Waltr Camell
Quorum	Majr Henry Ridgely	Mr Jos: Maning	Mr Tho: Hicks
	Capt Nichas Gassoway	Mr Richd Harrison	Mr Wm Mishew
	Mr Samll Young	Mr Wm Taneyhill	Mr Jno Mack
	Mr Henry Constable	Mr Jno Hanson	Mr Richd Owen
Justices	Capt Jno Worthington	Baltimore Con: (Jusc	Mr Alexr fisher
	Mr Jno Bennet	Mr Edwd Boothby	Mr Jno Taylor
	Mr Phil: Howard	Mr ffract Watkins	Mr Richd Tubman
	Mr Jno Dorsey	Mr Geo Ashman	
p. 60 Justices	Mr Seth Biggs		
	Mr Roger Woolford		
Quorum	Mr Andw Gray		
	Somerset Conty		Cæcill County
	Mr ffracs Jenckins		Coll Capt Herman
	Mr Jno Winder		Coll Wm Pierce
Justices	Capt Wm Whittington		Mr Wm Harriss
	Mr Jas Dashiell		Mr Wm Dare
	Mr Roger Woolford		Mr Matas Vanderhayden
	Mr Tho: Dixon		Mr Jno Thompson
Quorum	Mr Mattw: Scarborough		Mr Peter Bayard
	Mr Jno Boseman		Mr Robt Crooke
	Mr Geo: Layfield		Mr Edwd Blay
	Mr Thos Nuhall		Mr Thos Thackstone
Justices	Mr Samll Hopkins		Mr Ebenezer Blackstone
	Mr Jas Rounet		
	Mr Edmd Howard		
	Mr Thos Jones		
Quorum	Mr Jno King		
	Mr Stephen Horsey		
	Capt Arnold Elzey		

Chancery & Prov^l Courts Regulated Ordered that there be three Prov^l Courts held Lib. H. D.
every Year, Viz' one on the last Tuseday in ffeb^{ry}
whereat no Jurye causes shall be determin'd
aneother on the third Tuseday in Ap^l & last Tuseday in Sep-
tember for trying matters of ffact That the Court of Chancery
sit the Munday following from the begining of each Court &

Appeales &c^a to the Gover^r & Councill That the Gover^r & Councill Sit the Wednesday
after the Court of Chancery to hear Appeals &
Writts of Error, except ffeb^{ry} Court
Upon Representation Ordered that the Court of
Chancery begin not to Sit to hear any Matter Untill Whitehall
Ap^l Court next, nor the Gover^r and Councill to hear Appeales
&c^a untill the s'd Court

Ordered that the Hono^{ble} S^r Tho^s Laurence Secretary doe
(by Virtue of his Comission from their Sacred Maj^{ties}) find A
Register in Chancery who shall keep a distinct Record for
that particular Office &

That the Clark of the Councill be Clerk to the Gover^r &
Councill for hearing Appeales &c^a who shall likewise keepe a
Seperate Record for entering all Such proceedings brought
and determined in that Court, he being thought the properst
p^{er}son for the Execution of that Trust.

Ordered that the particular Offices be Alloted in the New
State House to be built for to hold the Records of the Sev^{al}l
Offices Appoint'd.

Ordered that all the foregoeing Orders Relateing to the
Regulation of the Courts be fair Writt out and read at the
next prov^l Court.

At a Councill held &c^a the 24th day of September Anno 1694

Present

p. 61

His Exce^{ncy} ffrancis Nicholson Esq^r

S ^r Tho ^s Laurence Barr ^r Secre ^{try}	} Coll Cha ^s Hutchins Coll Dav: Browne Coll Jn ^o Addison Cap ^t Jn ^o Courts Tho ^s Brooke Esq ^r
Coll Hen: Jowles	
Coll ^r Geo: Robotham	
Coll Nich ^{as} Greenberry	
Tho ^s Tench Esq ^r	

Cap^t John Farmer Cap^t John Payne and Sev^{al}l other Mas- Whitehall
ters being fallen downe wth their Ships Unto the Mouth of
Petuxant River in Ord^r to Cleare their Vessells doe humbly
move to Sayle notwithstanding a former Order of this Board

Lib. H. D. w^{ch} Comands that noe Ships should be Cleared after the 13th of this instant Septemb^r Setting forth their being Stopt by contrary Winds and Bad Weather. Order'd therupon as it is hereby Ordered that Whereas there is noe advice as yet come to this province of the fleets being gone out of Virginia the S'd Vessells be cleared notwithstanding the aforementioned Order.

Whitehall Ordered that George Plater Esq^r their Maj^{ties} Collector and Receiver Generall write to Cap^t Pagan Merch^t in London to provide and Send in by the first conveyance in a Man of Warr (if one comes) these following Arm's to the Value of Two hundred and fifty pound's Ster^r out of the Quarter part of their Maj^{ties} Revenue now Remaining in his hands but th^t he be Silent in the doing thereof by Reason the Governm^t have not had time to Send at p'sent Sev^ll Journalls home w^{ch} are now preparing.

Arms as follows Viz'

Dragoons Arm's and furniture &c^s Sent for in Twenty Dragoons Bridles & Sadles. Ten hand Mortars such as the two Companys at Tangier had sent them when my Lord Dartmouth was there To inquire of S^r Henry Goodrick or some other officers at the Tower of the price and where they are to be had wth one hundred hand Granadoes fit for those hand Mortars and fluzces wth proper Wadding and directions how to Use them.

Half a dozen Instrum^{ts} to try powder with and the rest of the 250^{lb} to be laid out in Granadoes Arm's, Viz' slung fusees Sanguind or otherwise fited the best way to keep them from Rust & Byonets fit for the Bore of these fusees wth large Cartouch boxes to hold betwixt two or three dozⁿ of carthrages and to Send good hatchets. The Cartouch box to goe upon one belt and the Hatchet & Bayonet in two hangers upon the Same belt and pouches to cary the Granadoes in.

Ordr about Coll Greenberry's going for England &c^a It being debated at the Board whether his Exce^{ncy} S^r Edmond Androse Comission here produced ought to have taken place there being found palpable contradictions between the S'd Comission and his Exce^{ncy}'s proclamation and if in case it Appear the S^d S^r Edmond did take upon him this Governm^t illegally whether

Whitehall or noe Sev^ll ill consequences may not follow thereon; to w^{ch} his Hono^r Coll: Greenberry made Answer that they doe not find any person Agrieved but what they did was in regard to their Maj^{ties} Sd Comission and they believed the S'd Edmond came wth a legall Comission but if it falls out that they shall be call'd in question for it by the King he will goe home and

Aske the Kings pardon Whereupon his Exce^{ncy} does say that Lib. H. D.
he may have leave to goe As soon as he pleases and that their
Maj^{ties} Service in the interim thereby will not Suffer here.

Sept^r the 25th 1694

Councill Again Sat and were p^rsent as before.

Coll Ro- Ordered that the Hono^{ble} Coll Georg Robotham
botham to inquire what Orders M^r Clayland & M^r Leech have
inquire into for preaching & performing a Ministeriall function
M^r Clayland in Talbot County and particularly to inquire into
& M^r Leeches the Marriage of one Stephens whereof he is to
preaching make return to this Board wth all convenient Speed.
Orders.

Coll Green- Ordered that M^r Davis of An-Arundell County w.
berry Do for produce his Orders for preaching &c^a Unto the
M^r Davis Hono^{ble} Coll Nich^o Greenbery and Tho^s Tench Esq^r
or either of them upon Refusall whereof they are to Acquaint p. 62
him he cannot be permitted to exercise that Sacred ffunction
D^o ord^r to Coll^r Jowles for M^r Bartlet.

The Petition of Tho^s Tench read as follows Viz^t

To his Exce^{ncy} ffranc^s Nicholson Esq^r Gover^r of Maryland
and Councill in Assembly &
The Humble Petⁿ of Tho^s Tench Adm^r of all the goods Chat-
tells & Cred^{ts} of Lionell Copley Esq^r late Governour of
Maryland &c^s

Tho: Tench Humbly Sheweth
Petⁿ in rela- That Yo^r Pet^r being Adm^r as Afscd and being dessir-
tion to ous and Willing to Adm^r rightfully and duely on the
Gover^r Cop- same to the best Advantage and Bennifit of the
leys Estate Cred^{ts} and Children of the s^d Copley and finding some diffi-
calties and as Yo^r Pet^r conceives hardships imposed or Urged
upon him in regard to the S^d Estate humbly prays Yo^r
Advice in the p^ticulars following
1st: It is urged upon Yo^r pet^r that Sometime before the S^d
Copleys Death he made A Verball Order that Some of his
Serv^{ts} w^{ch} he p^ticularly Nam'd Should have all his wearing
Apparell distributed Among them w^{ch} after his Death was
required of Yo^r pet^r and although Yo^r pet^r did in hono^r to the
S^d Copleys Order deliver the same to the S^d p^rson yet tooke w.
Obligacōn of them th^t if they should be Adjudged Assetts in
Yo^r Petⁿ hands they should Answer the Value thereof whether
(consideracōn being had to the Hono^r of the post the s^d
Copley then had) the said Wearing Apparell shall be deemed
Assetts to charge Yo^r Pet^r is what he humbly prays Advice

Lib. H. D. 2^dly: Yo^r Pet^r finds among the Papers of Coll Blackston late Navall Officer for Potomock District Sev'll Bills of Exchange Drawne payable to the s'd Copley as Gover^r and left wth the s'd Blackston as Navall Officer w^{ch} are now refused by the s'd Blackstons Adm^r to be delivered yo^r Petion^r whether the Same ought not to be deliverd to yo^r Petitioner as part of the s'd Copleys Estate by him Accomptable for is what he humbly prayes Advice in.

3: It is likewise Urged by the Adm^r of the s'd Blackston That Yo^r Pet^r as Adm^r Afsd must Answer to her Their Maj^{ties} and the Estate of the s'd Blackston for their Equal parts of a certain Pink called the Margrett w^{ch} was condemn'd for Breach of certain Acts of Trade & Navigacōn alltho' Yor^r Pet^r can find no deed or any other Title to the s'd parts among any papers of the S'd Copley nor indeed is there any conveyance from the s'd Collector for either theire Maj^{ties} or his Owne part neither can now be, the s'd Collector being Dead, Whether Yo^r Pet^r can be made Answerable as Adm^r afsd for the s'd two parts for w^{ch} he has noe Title in Law or only for the p^r that by the forfeiture Afsd Accrued to the s'd Copley as Gover^r is what he humbly prayes Advice in.

These things he humbly Layes before yo^r Exce^{ncy} and Councill in Assembly being as he humbly conceives in the most Suteable capacity of determining the Same w^{ch} he humbly prayes for the avoyding Unnecessary troubles to the Cred^r and Children Afsd you will please to Afford yo^r Pet^r The Advice and direction in the p^rmisses humbly pray'd for and as in duty bound he shall Ever Pray &c^a

p. 63 Answer to the fore going Petition As to the first article this Board can say Nothing to it the same lying properly before the Com^{issary}.
As to the Second Article. Ordered that the Pet^r Acco^t be made up and the Gentlemen impowr'd to inspect Coll Blaikstons papers to make return According to former Ord^r and that what is found due to their Maj^{ties} the quarter part thereof be Applied pursuant to their Maj^{ties} Instructions; as to the third Article he is Referred to M^r Plater for Advice and that he give an Acco^t to this Board what is become of the Kings third part of the S'd Pink.

Mr Josephs Letter about Articles vpon Surrender of Matapany Produced at the Board a Letter from M^r Josephs directed to his Exce^{ncy} the Gover^r and Councill praying that certain Articles enter'd into vpon the Surrender of Matapany in the S'd Letter inclosed might be entered upon Record &c^a Whereupon Cap^t Cood Coll Beale, M^r Cheseldyn & Coll Warren being sent for and Appearing and Coll Jowles then likewise P^rsent; his Exce^{ncy} Demands

whether the S'd Articles be the paper Sign'd by them and Lib. H. D
Whether they think fit the same should be Recorded According w.
to M^r Josephs prayer; who for Answer return the Same is the
paper they Sign'd, and that they are not Ag^t the Recording of
it but wth all Signified that Cap^t Cood had by him their demand
before the Articles Recc^d and Afterward their Acceptance of
the S'd Articles w^{ch} they pray may be Recorded together wth
them Cap^t Cood promising to produce the same to this Board
the Begining of Next Weeke

Octobr the 8th 1694

Cap^t Cood Appears at the Board and was again read unto
him M^r Josephs Letter & Articles about the Surrender of
Matapany Upon w^{ch} the S'd Cap^t Cood likewise p^rduced the
first Sumons Sent into the S'd Garison together wth the Sur-
render made Ordered th^t all the papers be entered in the
Journall of this Board, w^{ch} are as follows Viz^t

May it please Yo^r Exce^{ncy}
And this Hono^{ble} Board

Mr Josephs The inclosed Articles Have I Sacredly hitherto as
Letter about
Articles at well P^rserved as kept, They are the very Originall
Mattapany Sign'd by the Generall, Chief Officers, Comanders,
or Grand Council of that time.

Seaven of the Nine Still live all or most now at S^t Maries with
the Clerk th^t Writt'em; and in perpetuam Rei Memoriam Pray,
they may be Enter'd and Recorded in such proper Bookes and
Offices as yo^r Exce^{ncy} and this Hono^{ble} Board shall thinke fitt,
wth Ord^r that in all and every part the same Inviolably be for
ever kept, Observed, And performed to all persons whom it Whitehall
doth or may Concerne, th^t they, wth me, may allwayes pray

Sep^r the 24^o
1694

Will^m Joseph

Sumons Sent into Matapany by a Trumpet ffrom our Camp
before Matapany Aug^t the first 1689

Chief
Comdr^s
Sumons
Sent into
Matapany
Garrison

Gentlemen

Wee herewith send you our declaration w^{ch} wee
would have publickly read. Wee do demand the
immediate Surrender of all their Maj^{ties} protestant
Subjects detained in Yo^r Garrison.

Lib. H. D. Wee do demand in their Maj^{ties} Name and for their Use the immediate Surrender of the Garrison together wth all the Arm's Amunicon and all Manner of Warlike provissions whatsoever therein,

To the Officers and Others in Arm's
in the Garrison of Matapany

These

Jn^o Coode
Hen: Jowles
Jn^o Cambell
N^h Blaikston
H: Warring

Chiefe
Comdrs 2d
demand &
proposalls
offered the
s'd Garrison

Gen^t

Wee have sent you, our Sumons, we have received an answer w^{ch} desires a parley and personall Treaty, between us and some of You

1 ffor Answer wee doe demand as in our Sumons sent.

2 That no Papist in this province be in any office Military or Civill as by their Maj^{ties} proclamacon and the Laws of England.

3 And wee doe promise and Grant that You the Gentlemen and Soldiers now in Armes in Your Garrison may return to Your and their respective homes or dwellings In Ord'r to w^{ch} we doe Assure You and them saffe conduct protection and Security for you and their persons & Attendants

4 And that wee will likewise protect you and them in the ffree & full Enjoym^t of all your and their Just rights and priveledges, Equall wth the rest of their Maj^{ties} Subjects according to the Laws of England or the Laws of this province

5 These are our absolute Resolutions concessions and demands to w^{ch} wee dessire You^r imediate compliyanse being utterly resolved against any personall Treaty about the premisses or any other Articles.

Given under our hands the first day of August in the first year of their Maj^{ties} Dominion Annoq Dom: 1689

Jn^o Cood
Hen: Jowles
Jn^o Cambell
Kenel^m Cheseldyn
Ninian Beal
Hum: Warren
Neh^m Blaikston
Jn^o Turlinge
Rich^d Clouds

Articles
Accepted by
the Garri-
son of
Matapany

Gent^r
Wee doe accept of the Articles now sent and
Accordingly are ready to Surrender the Garrison
Dated this first day of August 1689

Lib. H. D.
Whitehall

Will^m Joseph
Hen^{ry} Darnall
Nicho^{las} Sewall
Edw^d Pye
Clem^t Hill

Notice given
to Mr Lay-
field Abt
Comptrolr
place vacu-
ated &c^a

George Layfield Esq^r their Maj^{ties} Coll^r & Comp-
troler for Pocomock District &c^a Appearing at the
Board his Exce^{ncy} was pleased to acquaint him that
the Hono^{ble} the Comision^{rs} of their Maj^{ties} Customs
have by late Order taken of that Office of Comptroler
and doe now allow 20 p Cent for the Collection of the peny
p pounde

Whitehall

At a Councill held 7^{br} 27th 1694

Present

His Exec^{ncy} and all the Councill except Coll Hutchins and
Esq^r Randolph

Bills of
Exchange
Ordered to
be delivered
Mr V Swer-
inghen

Upon Motion of M^r Gerrard V: Sweringhen about
Bills of Exchange lodged wth Clerk of this Board
belonging unto him humbly praying delivery of
the Same.

Ordered that the same be delivered Accordingly.

It being Represented that whereas their Maj^{ties} Magazine of
powder is considerable wthin this City of S^t Maries and foras-
much as their Maj^{ties} have no particular ffort for preserving
the Same from Enimies or Accidents.

Order about
Amunicōn
and powder

Resolved and Ordered thereupon that the same be p. 65
distributed into every County to be lodged wth the
principell Officers and Comanders by them to be
Safe kept and not touched upon any Acco^t unless upon
invasion or insurrection w^{ch} God forbid.

Order abt
Arms taken
at Matapany

Ordered that what Armes were taken and Seized
at Mattapany for their Maj^{ties} Use that an Acco^t
thereof be Returned to this Board wth all convenient
Speed.

Whitehall

Lib. H. D. Ord^r abt in-
 terring the
 bodies of the
 late Gov-
 ernor &
 Whitehall Lady
 Taken into consideracōn the appointing a day for
 interring the Bodies of the late Governor Copley
 and his Lady whereupon it was Ordered that the
 S'd Solemnity Should be performed one the ffifth
 day of October next and that Notice be given to
 Maj^r Cambell, Cap^t Waughop, and Cap^t Greenhalgh to be
 present wth their Troope and Companys and that all things be
 gott in readiness Against that time pursuant to former Order.

To his Ex^{cy} the Governor and hon^{ble} Assembly of Mary-
 land now Sitting the 27th of Septembe^r 1694.

p. 19 The humble Petition of the Distressed Prisoners George
 Mason and Will^m Burley.

W^m Burley Sheweth
 and George
 Masons
 Petⁿ
 That your Petition^r for these many years last past
 have been Confin'd thō more Willing to Dye then
 live to put the Country to So Vast a Charge as our
 Eternall Imprisonm^t will Create.

Wherefore humbly Pray we may be brought before this
 hon^{ble} House beseeching yo^r Ex^{cy} And this great Assembly
 to Inquire into the Commission by which we were tryed
 whether there were any or no, or whether it was of Oyer and
 Terminer under that Seal, and as the Law directs & noe
 otherwise, and whether our present Circumstance may not
 Admit us to Bayle upon such Security as this hon^{ble} House
 shall think fit,

And we will ever Pray &c:

Resolved that the Attorneys be Consulted therein whether
 Persons under their Circumstances can be Bayled according
 to the Vote of the House of Burgesses

Sep^r the 29th 1694

Council again Sate & were all present with the addition
 of the Hono^{ble} Edw^d Randolph Esq^r who being lately arrived
 out of Virg^a gives Advice of the fleets being Sayled from these
 parts und^r their Maj^{ties} convoy.

Ordered thereupon that the Sev^{ll} Collectors give notice to
 this Board what time the ships bound for Europe now remain-
 ing in the Province will be ready to Sayle to the End a day
 may be Appointed.

Whitehall A List of Ships not yet cleared delivered at the Board as fol-
 lows Viz^t

List of Ships John Miller Master of the Ship Sarah of Bristoll
 in Petuxant Jn^o Hurle Comd^r of the Ship Providence of London
 District not Jn^o Salley M^r of the Barkenteen Hopewell of Mary-
 Cleared Jn^o Browne Comd^r of the Ship Ann of London Jonath^a

Benn Comander of the Ship Rainbow of Lancaster Edw^d Lib. H. D.
 Tarletone M^r of the Ship Oake of Liverpoole Hen^{ry} Morrson Whitehall
 M^r of the Ship Eliz^a of London-Derry Hugh Jones M^r of the
 George of Plymouth Edm^d ffarrow M^r of the Ship Returne of
 London James Anderson M^r of the Ship Unity of Maryland
 Matt^w Estes M^r of the Barkenteen Dolpin of Pensilvenia
 Hen^{ry} Tregany M^r of the Ship Canterbury of London—Tho:
 Pitts Comd^r of the Francis & Mary of London Samuell Gibbs
 Comd^r of the petuxant Merch^t of London The above Ships &
 Vessells except Cap^t Tregeny and Cap^t Miller will be ready
 (as I am informed) to Sayle wth in this fforthnight or three
 Weekes.

Geo: Plater Coll^r

Embargo Upon Representation ordered that an Embargo
 upon Ships and Stop be put upon all Ships & Vessells bound
 till first of for Europe Untill the first day of Novemb^r next and
 Novemb^r 1694 th^t no such Ships be Cleared to Sayle by any of
 their Maj^{ties} Collectors wth in this Province before that day and
 that no such Ships as Afscd be Afterwards Cleared untill fur-
 ther Order w^{ch} is Supposed will not be till Christmas or after
 And that the ffeet be made up in Petuxant River except the
 two Ships in Potomock whereof all persons concerned are to
 take due Notice

Septemb^r the 29th 1694

Mr Phil: Came M^r Kenelem Cheseldyn Recorder of the
 Lynes City of St Maries together wth Sev^{ll} other Members
 sworne of the S^d Corporation and presented M^r Philip
 Mayor of St of the S^d City to his Exec^{ncy} to
 Maries City Lynes Mayor Elect for the S^d City to his Exec^{ncy} to
 be sworne who Accordingly had Administred unto him in Whitehall
 Councill the Usual Oath of Mayor of the S^d City—

His Excency In reading over a Letter Sent from his Exce^{ncy} S^r p. 66
 demands Edmond Androse to the Honob^{le} Coll Nicholas
 Whether Greenbery then President of their Maj^{ties} Councill
 Coll Green- berry had here Dated 19th of March 1693 A Clause therein
 taken the was inserted as follows Viz^t I hear it Objected th^t
 Oath of Trade &ca you have not taken the Oath for observance of the
 Oaths of Trade and Plantacōns Enjoyned by S^d Act on pen-
 alty therein w^{ch} I think Necessary to intimate; his Exc^{ncy} there-
 upon did aske the S^d Coll Greenbery whether he had taken
 the S^d Oaths who makes Answer th^t he has not taken the s^d
 Oaths, the same never being tendered to him by S^r Edmond
 or any other person

Lib. H. D. His Exec^{ncy} Demand Whether Sr Edmd Androse did take the Oath of Trade &c^a His Exce^{ncy} Demands to know whether his Exce^{ncy} Sr Edmond Androse did ever take the Oath of Trade & Navigation after his Assuming this Governm^t upon him and it was Answered that M^r Lewellin was Clerk at Sr Edmonds Arrivall who was thereupon Sent for and Accordingly Appeared of whom his Exec^{ncy} was pleased to demand what Oathes were taken by Sr Edmond Androse upon his taking the Governm^t who does say that he tooke the Usual Oaths Appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance and Supremacy as also the Oath of Com^d in Cheife an Oath formerly Accustomed to be taken by the Governors of this Province

Adjourne till the Afternoon

Post Meridiem

Councill Again Sate and were present as before except Coll Jowles, Coll Greenberry Coll Addison & M^r Brookes.

Attorney's Opinion relating to Sr Edmonds Assuming this Governm^t M^r Robert Smith speaker of the House of Assembly M^r Attorney Gen^l M^r Chesseldyn M^r Clarke M^r Boothby and M^r Carvile by order of his Ence^{ncy} Sr Edmond Androse his takeing this Governm^t upon him was legall or noe And thereupon was produced & read the S^d Sr Edmond Androse Com^{is}ion and proclamation remaining upon Record in the Journatl of the Councill and Afterwards read a clause in his Exec^{ncy} Coll Nicholsons Com^{is}ion relating to the constitution of the Governm^t in case of the Death or absence of the S^d Coll Francis Nicholson from America, all w^{ch} being Maturely considered and Debated they Severally and Respectively declare and are of Opinion that the S^d Sr Edmond Androse did illegally assume this Governm^t And therefore by consequence all Acts of State and other Matters passed Acted and done by Virtue of his S^d Com^{is}ion are vicious and Erroneous and for prevention of the ill consequences that thereby may ensue they doe humbly Represent that it is absolutely necessary that a Law be procured to pass for the S^d End & purpose

Lib. H. D.
Whitehall

The Hon^{ble}

**James Frisby
Esqr Ap-
pears at the
Board
Whitehall**

**Governors
demand re-
lating to S
Edmonds
transmitting
Lists of
Shiping
Whitehall**

**Representa-
tion about
Sr Edmond
Andros &c**

That t
hand did
be sent h
to Coll: C

Octob^r the 3^d 1694

Governors
demand of
Major Robt
King abt
taking the
Oathes of
Trade &c

At a Councill held &c October 9th 1694

Present

His Exce^{dy} Coll^r Francis Nicholson

Coll Georg Robotham
Coll Nichoas Greenberry

Coll Dar-
nall Ordered
to give an
Acct of pub
lick Armes
taken or
delivered

Lib. H. D. publick Armes by him or his Order delivered before the Surrender of the Governm^t

Coll Beale Ordered likewise that Coll Ninian Beale returne
 Ordered to give an ane Acco^t to this Board wth all convenient Speed
 Acco^t abt what Armes both private and publick were taken
 Armes taken into his Custody at Matapany upon the Surrender
 at Matapany of that place
 Whitehall

At a Councill held &c^a Octob^r the 11th 1694

Present

His Exce^{ncy} the Governor and all the Members of their Councill except

The Hono^{ble} { Coll Greenberry }
 { Coll Hutchins }
 { Coll Browne }

Capt Hurl's Read the Petition of John Hurle Mast^r of the Ship
 petition for Providence humbly therein desiring the Loan of
 Loan of Eight Barrells of powder out of their Maj^{ties} Store in
 eight Barrells of powder this Government therein promising to Returne the
 Whitehall like quantity in kind the next year the w^{ch} was granted and
 Eight Barrells Ordered that Eight Barrells of powder be delivered
 ordered to the Petitioner out of their Maj^{ties} Store Accord-
 Capt Hurle ingly he giving good Security to returne the like
 quantity of small powder for the same

Whitehall Acco^t of Produced at the Board an Acco^t taken by the
 Amunicōn Hono^{ble} Coll Nicho^{as} Greenberry October the 16th
 & Armes at 1692 of all the publick Armes & Amunicōn then
 St Maries Lodged at S^t Maries as likewise annother Acco^t by the
 Hono^{ble} S^t Tho: Laurence Barron^t 26th of June After w^{ch} are
 as follows Octob^r the 16th day 1693 I took an Acco^t of all the
 publick Arms and Amunicōn Lodged at S^t Maries City & are
 as followeth Viz^t

In the State House remains in Gunpowder 81 whole Bar^{ls}
 The same time left in the Gover^{rs} house in powder 18 whole Bar^{ls}

Whitehall The same House 4 Barr^{ls} open'd w^{ch} will hold
 out better than 3 whole Bar
 Left at the S^d House in great Shott H 64^{lbs} by weight
 And alsoe left there in Bullets Uncertaine
 but Judge About 2600 pounds
 Musquets Lodged there the same day as p
 Acco^t p me 195

At M^r Harper at Petuxant was Lodged by Lib. H. D.
the Governo^rs Order 8 Bar^{ls} powder in all 110 Bar^{ls} powder
Powder Ordered p the Governor out of
Harpars hands after Lodged
To Coll Hutchins Dorset County 01 Barrel
To Major ffiny of Talbot County 01 Bar^l
To Coll Harman of Cæcill County p MeN: G: 01 Bar^l
More Ordered p Me N: G: out of the S^d }
Harpares Hands Toward paym^t of 25 } 05 Bar^{ls}
Bar^{ls} Borrowed in Virginia }
And soon After ordered out of the State }
House to be sent into Virg^a by Cap^t } 20 Bar^{ls}
Powlson as M^r Plater has Receipts }
Disposed of as Abov^sd 28 Bar^{ls}
Remaines Still at S^t Maries 82 Bar^{ls}

This Accot Over and Above this Acco^t as Abovesaid I Whitehall
given by delivered to Coll David Browne of Somersett
Coll Green- berry County for the publick Service of the Country out
of the Governors House 1 Bar^l powder—powder 81 Bar^{ls}

1 large Bar^l of Musquet bullets }
1 les dit^o 3 p^{ts} full of small dit^o } 192 Musquetts

S^t Maries June the 26th 1694

Accot of Upon View of the Armes and Amunition at S^t p. 72
Armes and Maries found In the Governors House One hundred
Amunon by Sr Tho: ninty two Musquetts seaventeen Bar^{ls} of powder
Laurance whole.

ffour Barells opened two of them almost full two other half Whitehall
filled

One Large Barrell halfe full of Musquet Bullets.

One lesser 3 quarters full of small bullets.

In the State House 61 Barells of powder

Tho: Laurance

Order for Ordered that devission be made of the gunpow-
Devision of der to be Destributed and Sent as follows Viz^t
the powder
to be sent to
each County

To Charles County	10	To Dorchester County	05
To Baltimore County	10	To Som ^r set County	06
To Cæcill County	08	To S ^t Maries County	06
To Kent County	03	To Calvert County	09
To Talbot County	07	To An-Arundell County	09
	38		73

Lib. H. D.
Whitehall

Do Orders
About
Armes &
Amunicōn
Ordered that the Armes Bullets and Shott be likewise devided and parceled out proportionable to the powder, And that one Bar^{ll} of the S^d powder be lodged in a place onely and that neither the S^d Armes nor Amunicōn be medled wth or made Use of Unless upon case of Invasion or insurrection w^{ch} God forbid.

Militia
Orders and
Instructiones

The following Orders and Instructions relating to the Regulating the Militia drawne forth by Order and Sign'd & Sealed by his Exce^{ncy} were sent to each County of the Province

By his Exce^{ncy} the Gover^r & Councill &c^a
Octob^r the 9th 1694.

Ordered that there be three ffield Officers Appointed in each County Viz^t A Collⁿ Lievttenant Collonell and A Major to be Comissionated by his Exec^{ncy} wth power to Appoint and Constitvte all Officers under them And Enlist Souldiers in such and so many Devisions as they shall see most proper and convenient A Troope to Consist of A Captain, Lievtennant Cornet Quarter Master, a Clerk, three Corporalls, Thirty six private Troopers & a Trumpeter.

A Company of ffoot to Consist of A Captain, Lievttenant, Ensigne a Clerk, three Serjants, ffour Corporalls, & two Drumers, & Seaventy two private Soldiers.

That there be Dragoons Raised where they can conveniently each Troope to consist of one Cap^t one Lievttenant, one Cornet, a Quarter Master a Clerke three Serjants and ffour Corporalls & fforty ffive Troopers And foreasmuch as it being Assembly time & all Clerks now in Town are busily
p. 73 employed in Writting Soe that Military Comissions cannot So immediately be prepared it is thereupon Ordered that the Sev^{ll} ffield Officers now hereby Appointed doe Act as fully and Amply pursuant to the following Directions as if they had All ready Received their Comissions for the Same as likewise all Officers appointed Under them whereof all persons are to take due Notice as they will Answer the Contrary at their perills.

ffield Officers hereby Appointed are as follows Viz^t
ffor S^t Maries County

S^r Thomas Laurance Barron^t Collonell, Cap^t Jn^o Cood Lievtent^t Collonell and Maj^r John Cambell Major.
ffor Kent County.

M^r John Hinson Collonell, M^r Hans Hanson Levetennant Collonell and M^r Thomas Smith Major.
ffor An Arundell County.

Collonell Nicholas Greenberry Collonell, Maj^r Hen^{ry} Lib. H. D.
Ridgely Lievtennant Collonell and Maj^r Edward Dorsey Major.
ffor Calvert County

Collonell Henry Jowles Collonell, Cap^t Henry Mitchell
Lievtenn^t Collonell and Cap^t John Bigger Major
ffor Charles County

Collonell Jn^o Addison Collonell, Collonell Humpry Warren
Lievtenn^t Collonell and Major James Smalwood Major.
ffor Baltemore County

Maj^r John Thomas Collonell Cap^t Thomas Richardson
Lievtennant Collonell and Cap^t James Maxwell Major.
ffor Talbote County

Collonell George Robotham Collonell, Major William ffinny
Lievtenn^t Collonell and M^r Thomas Smithson Major.
ffor Somerset County

Collonell David Browne Collonell, Cap^t John Winder Liev-
tenn^t Collonell and Cap^t William Whittington Major.
ffor Dorchester County

Collonell Charles Hutchins Collonell, Cap^t John M^r Keell
Lievtenn^t Collonell and Cap^t John Ennalls Major but if it
should please God that Maj^r Tripp should Returne into the
Country he is to be Lievtenn^t Collonell
ffor Cæcill County

Coll^o Casparus Harman Collonell, Collonell William Pierce
Livetennant Collonell and Cap^t Jn^o Thomson Major. And
further Ordered that the S^d ffield Officers (wth all Expedition)
appoint the Sev^{ll} Officers under them and that the Devisions
of the Sev^{ll} Troopes & Companys be Devided as follows,
Viz^t The Captains Squadroon, the Lievtennants, and the
Cornet, or Ensignes Squadroon and them to Exerceise Sev^{lly}
Six times every Year A due Returne of w^{ch} S^d Troops and
Companys Soe raised is to be sent Under the Sev^{ll} and p. 74
Respective Officers hands of the Acoutriment and Equipage
of the Sev^{ll} Troops and Companys so raised, Unto this Board
wth all convenient speed.

And further Ordered that the ffield Officers aforementioned
call for an Exact Acco^t of all the publick Armes in the Sev^{ll}
Counties and that they dispose of the Same to such places as
they shall see fit for Securing the ffronteers and to see that
the same be well fixed wth all possible Expedition, And such
as cannot be fixed here that care be taken by the ffield Officers
to send the Same for England if they be wth Sending to be
fixed there and that all persons supplye themselves wth Armes
and Amunicō pursuant to the Act of this Province.

That the ffield Officers take care to change as much powder
as they see convenient and Order the Officers under them
th^t have the Charge of any powder for to looke well after it
and turne it at the least once A Month.

Lib. H. D. That the Officers be Appointed (if possible) Among the Troops and Companies.

That Different Collours be to each County (Viz') for horse foot and Dragoons.

ffor S' Maries County Red	}	Baltemore County Green
Kent County Blew		Talbot County Purple
An-Arundell White		Somer Sett County the Union
Calvert County Yellow		or Jack fflag
Charles County Orange		being the only Marine County
		Dorchester County Buffe Col-
		lour
		Cæcill County Crimson

Persons excepted from Mustring Viz' Ministers & their Clerks Justices and Clerks of the County Courts Collectors & Navall Officers and Constables.

Given under my hand and Seale at the City of S' Maries the 17th day of October in the Sixth Yeare of the Reign of our Sovereigne Lord and Lady King Will^m & Queen Mary Annoq Dom: 1694.

ffra: Nicholson Seale

By His Exce^{ncy} the Gover' & Councill &c^a

Octob^r the 9th 1694

Coll Beale Empowered to raise Men upon cases of Insurrection of Indians It being Represented in Councill that Collonell Ninian Beale has allwayes been a person very ready & Serviceable upon Comotions or insurrections made by Indians and that he is Seated convenient at the head of Petuxant River to give notice and raise Men upon all such incident and Emergent Occasions—And forasmuch as his Maj^{ties} by his Royall Instruction to his Exec^{ncy} has Comanded that fiting Officers should be Appointed at the heads of Rivers to the S'd End & purpose Ordered thereupon that the S'd Collonell Beale have a particular Comission for his Exce^{ncy} to raise and Comand what Men he thinks fit in all the nighbourhood in those parts upon all Occasions of such Comotions & insurrection so soone as the same shall come to his knowledge

Signed p Ord^r

Hen: Denton Clk Coun^{ll}

p. 75 I doe hereby Authorize and Empower Collonell Ninian Beale to Execute all the powers According to the above Order of my self and their Maj^{ties} Hono^{ble} Councill, for w^{ch} this shall be his Comission Given Under my hand and Seale this 18th day of Octob^r Annoq Dom: 1694 in the Sixth Yeare of their Maj^{ties} Reigne

ffra^a Nicholson Seale

Proceedings of the Council of Maryland, 1694-97. 155

Bill of Load- Produced Bill of Loading for 70 Bar^{ls} of Gun- Lib. H. D.
 ng for powder and two Bundles of Guns for Acco^t of Collo-
 rmes & nell Lionell Copley Governor of Maryland Shipped
 powder by Miles fforster Merchant in New Yorke in and upon the
 sloop called the Johannis, John Trevet Master whereby was Whitehall
 signified that he had Rece^d the Sume of 21 pounds for the
 freight thereof.

Ordered that inquirey be made Whether the Custome
 Charged by M^r fforster to Governor Copleys Acco^t for the
 same should not be Refunded being the Kings Stores.

Order Abt Ordered likewise that care be taken to send for
 be Custome Eight Barrels of fine powder belonging to this prov-
 charged by M^r fforster ince remaining still in the S^d M^r fforsters hands
 bt the sd
 luns &
 powder

Octob^r the 12th 1694

Councill Again Sate and was present his Exec^{ncy} in Councill

Mr Tenchs Upon motion made by the Hono^{ble} Thomas Tench
 is Motion Esq^r relateing to a Shipe of his called the Ann
 bt Tryall seized this last Sum^r by Edw^d Randolph Esq^r Sur-
 f the Ship veyor Generall of their Maj^{ties} Customs &^a humbly
 nn & Order desiring that the Same might be either discharged
 heron rom the s^d Siezure or brought to legall tryall It was there-
 upon Agreed that the sd ship be brought to Tryall the first
 lay of the next Provinciaall Court.

Ordered that the s^d Ship be then brought to a Tryall
 Accordingly

Octob^r the 13th 1694

Mr Wm Tay- Came M^r William Taylard and made Oath before
 rds Oath his Exce^{ncy} in Councill that he has delivered up all
 bt delivery publick papers and Writtings of any publick import
 publick wherein he has been concerned into the Secretaries
 pers Office and Unto persons Empowred to receive the Same And
 that there does not Remaine wth him or any other person by
 im Intrusted any such papers or Writeings according to the
 est of his Remembrance and knowledge.

Whereas July the 30th last past His Exce^{ncy} in
 Council did declare it to be their Maj^{ties} pleasure
 that M^r Randolph Surveyo^r Gen^l of their Maj^{ties}
 Customs should be Adm^{ted} one of the Councill of
 this province Unles they had any thing to Offer
 to the Contrary. And that then were produced
 by two of the Councill 3 papers Viz^t one Under
 the Seale of the Province of Pensilvania Shewing that M^r

4-18-40
 02-18-40

Lib. H. D. Randolph had taken a bribe of Twinty peices of Eight to discharge A person whom he had Ordered to be Sued upon A Plantation Bond florieted the other two depositions of hear-say and not upon the Knowledg of either of the Depon^{ts} but the rest of the Councill not seeing Cause why their Maj^{ties} Orders relateing to M^r Randolphs Admittance ought not to be Observed He was Admitted and sworne of the Councill Accordingly His Exec^{ncy} Comanding that Authentick Coppys of the s'd Papers should be sent to the Hono^{ble} the Comis-sion^{rs} of their Maj^{ties} Customs in the Port of London.

p. 76 M^r Randolph haveing Rece^d Coppys of the Aformencōned papers hid humbly move to make his defence and thereupon produced Sev'll papers Atested to be Originalls As alsoe Atested Coppeys of Letters relating to his defence w^{ch} were allowed of in Councill and he alsoe prayed further time till he could have an Attstation from Under the Seale of the Governm^t of New York Relateing to his prosecuteing upon the Aformencōnd florieted plantation Bond.

Whitehall

At a Councill held Octob^r the 17th 94:

Present

His Exec^{ncy} the Governor & all the Members of their Ma^{ties} Hono^{ble} Councill.

Gover^{ns} de-
mand what
money Sr
Edmond
Rece^d from
this Gov-
ernm^t

His Exce^{ncy} demands of the Board what Money his Exce^{ncy} Sr Edmond Androse Received from this Governm^t and upon what Acco^t Given to w^{ch} the Gentlemen of the Counc^{ll} make Answer that he had 500^{lb} Ster^r paid him by this Governm^t the w^{ch} was done in Manner following Viz^t That his Exce^{ncy} the last time he came over to this Governm^t w^{ch} was begining of May last calling for an Acco^t from their Maj^{ties} Receiver and Navall Officers of the Revenue belonging to this Governm^t w^{ch} being produced and perused he finding at that time a certaine banck and fund of Money Remaining in their Maj^{ties} Receivers hands did Say that he believed the Revenue of this Governm^t was as Large as that of Virginia and therefore hoped that he might be considered for his Services here & Expenses disbursed in Undertakeing that Journey w^{ch} he said had been exterordi-nary and to the hazard of his life proposing that ffour or ffive hundred pounds might be Ordered him out of the said Reve-nue Whereupon ffive hundred pounds Ster^r was Ordered to be paid him by their Maj^{ties} Receiver out of the 15^d p hogshead

Whitehall

An Accot of Sr Edmonds. Then was produced at the Board the two follow- Lib. H. D.
Expences ing Accoⁿ of Expences disbursed by his Exec^{cy} S^r
during his Edmond Androse at his twice coming over to this
stay in this place the w^{ch} were Sworne to in Council and are as
Governm^t follows
&c^a

His Exce^{cy} S^r Edmond Androse At his first comeing in
ybr 1694

1694		lb	sh	d	
ybr th 1694	To his Expences at my house	60	00	00	
	To his Expences last May at my house	30	00	00	
	To a Bill paid that was never Entered in the Booke	06	00	00	
Octob ^r the 17 th 1694		total	96	00	00
Sworne to in Council	Miles Burrough				Whitehall
	Hen : Denton				
	Clk Council				

S ^r Edmond Androse D ^r	P ^r Cont ^r Cred ^r	p. 68
May 2 ^d 1694 14 dyett	By Money paid	lb sh d
4 bottles of Wine		04 18 6
2 Tankards beer & sugar		
1 tankard beer		
1 Gall ⁿ D ^o		
1 tankard beer		
to Sev ^l l Lodge-ings and the use of the Council Roome		
To Sev ^l l Expences paid me by M ^r Perry		
		01 01 00
		00 10 00
		00 02 00
		00 00 09
		00 02 00
		00 00 09
		01 14 00
		01 08 00
		4 18 06
Paid to the Serv ^{ts} to Exp ^{ts} not charged	Errors excepted Garr ^{ts} V: Sweringen	
		00 09 00
		00 12 00
		01 01 00

On the backe of the Acco^t was thus indorsed
Octob^r the 17th 1694

Came M^rGerrard Van Sweringen and made Oath in Council that the above is a true Acco^t of what his Exce^{cy} S^r Edmund Androse expended (upon his Accession to this Government) at his House in two Journeys made hither

Sign'd p Order
Hen : Denton

Lib. H. D. Govern^{rs} His Exce^{ncy} does demand w^{ch} way the S'd S^r
 Severall de- Edmond came over and w^{ch} way he made his returne
 mands re- To w^{ch} is Answered that the first of his coming over
 lateing to S^r Edmond was cross Potomocke River to this City of S^t Maries
 Androse directly and that he went by Land to Maj^r Sewalls at
 Petuxent w^{ch} is about twelve miles from the S'd City and from
 thence went on Board their Maj^{ties} frigott the Henry Prize
 and So returned to Virginia.

Whitehall That his Second comeing was from Virginia in a Boat Cross
 Potomock River to the City Afsd w^{ch} is about Six Leagues
 and returned the same way back again. His Exce^{ncy} does
 further demand whether the S'd S^r Edmond did at either the
 Same times comeing Over take any View of the Militia or do
 any publick Act besides what Appears in the proceedings of
 the Journall of the Council and whether he brought wth him
 any Sort of Strong Liquors To w^{ch} the Gentⁿ of the Council
 make Answer that the S'd S^r Edmond went not so much as
 out of S^t Maries Save in his goeing to Maj^r Sewalls in his
 Returne backe to Virginia and that no publick act was by him
 done other than what in the Journall of the Council is Afore
 expressed And that he brought no strong Liquors wth him

Whitehall Produced and read Coppy of a Letter of the 16th of August
 p. 69 last writt to his Exce^{ncy} S^r Edmond Androse by Georg Plater
 Esq^r their Maj^{ties} Collector and Receiver as also S^r Edmonds
 Answer thereto the 31st of the s'd month Ordered that the S'd
 Letters be entered in the Journall of this Board Viz^t

Petuxant in Maryland August 16th 1694

May it please Yo^r Exce^{ncy} I lately Received a Letter from
 the Hono^{ble} Will^m Blathwaite Esq^r Audito^r Generall of America
 Dated at Whitehall the 19th day of April 1694 Whereby I am
 Comanded to render a State of my Acco^t of their Maj^{ties} Reve-
 nue by me Collected to his Exce^{ncy} Coll^r ffancis Nich-
 olson our Governor who is directed by their Maj^{ties} to
 return to England the full Acco^t of their Maj^{ties} Rev-
 enue wth in this Province ever since the Revolution

Mr Platers
 Letter to S^r
 Edmond
 Androse

and alsoe to State the same here (pursueant to my duty) I
 have rendered to his Exce^{ncy} and Acco^t of payments made out
 of their Maj^{ties} Revenue as also what hath been by me Col-
 lected for their Maj^{ties} Use here and doe find a difficulty and
 obstruction in passing that Article of ffive hundred pounds
 Ster^r paid Yo^r Exce^{ncy} when last here His Exce^{ncy} the Govere-
 nor being dessirous of a further Satisfaction from Yo^r Self
 then what I can give him upon what Acco^t It was paid the
 Money being Wanted here for Supply of Armes and Amuni-
 tion pursueant to their Maj^{ties} Comands besides S^r Thomas is
 to be Allowed his Sallery as President, I must presume to

Whitehall

press upon Yo^r Exce^{ncy} for a full and a Satisfactorey Answer Lib. C. B.
being my self lyable to pay that Money Unless Yo^r Exce^{ncy}
pleases to Hono^r me wth A Lyne intimateing your right
thereto I Begg an Answer by the Bearer Cap^t Meeck not
doubting Yo^r Exce^{ncis} Justice in the Vindication of the payment
by me made or taking effectuall Care that noe injury thereby
is done to

Yo^r Exce^{ncis} most Obed^t humble

Serv^t

George Plater

Answer to the S^d Letter Viz^t

Virginia the 31st of August 1694

Sr Edmonds S^r I received Yo^r of the 16th the 29th Instant w^{ch} I
letter to Mr
Plater would not have thought from You I presume as
Whitehall soone as thought you were Satisfyed was Effectually
Answered at first in Yo^r Owne hands however would not
Omitt this and Am

This Letter was directed to

Yo^r frend & Servant

George Plater Esq^r their

Ed: Androse

Maj^{ties} Attor^{ney} Gen^l & Coll: of Petuxant &c.

Mr Chesel- The Humble Representation of M^r Kenelem
dyns Repre- Cheseldyn their Maj^{ties} Co^mmissary Gen^l of this Prov-
sentation abt ince Seting forth that he primarily was Admitted
the Comis- into the S^d Office by Co^mmission from his Exce^{ncy} S^r
sarys Office Edmond Androse and being Informed Since the Arrivall of
his Exce^{ncy} Coll fran^{ca} Nicholson that one Doctor Payne of
London hath by Petitⁿ to their Sacred Maj^{ties} obtained from
his Exce^{ncy} A Grant of the S^d Office So farr as the Laws and
Constitutions of this Province will permit but that he hath no
wayes as yet qualified himself or any other person according
to the S^d Laws and constitutions to receive the S^d Grant or
Office at the S^d Office in Maryland nor doth any Legall
Co^mmission as yet Appear Therefore prayes that the S^d Doctor p. 70
Payne may produce a legall Co^mmission (if any) to Supersede
that of the Petitioner or that his Exce^{ncy} till such Co^mmission
Appear from Doctor Payne will soe far Ascertain the S^d
place Unto him or any other his Exce^{ncy} in his wisdom shall
thinke fit that so they may be Incouraged to perform the
Duties the Law requires in the S^d Office w^{ch} cannot be left
voyed w^{thout} Occassioning great Defect of Justice.

Order abt
Co^mmissarys
Office

This Board haveing well considered the Severall
particulars in the Representation, And forasmuch as
one of the persons deputed by the s^d Doctor Payne
is dead and the other absolutely Refuses to be concerned

Lib. H. D. therewith it being a Judicial Office Ordered therupon that M^r Kenelem Cheseldyn the Petitioner continue to Act in the S^d Office as formerly Until further Order or Untill their Maj^{ties} pleasure be knowne therein But whereas Complaints have been made that some of the Deputy Comissarys have been guilty of extorting Unjust ffees from the People the said M^r Cheseldyn therefore is hereby Required to take care that his Deputies conforme themselves in takeing of ffees According to Law his Exce^{ncy} being well Satisfyed as to his part

Mr Kenelem Cheseldyn continued Comissary

Whitehall

October the 17th 1694.

Produced again and Read the Vote of the House of Burgesses relating to W^m Burley and George Mason prisoners now under the Sentence of Death,

This Board doe Agree with the Vote of the s^d House, and all the Lawyers in Town appearing at the Board to Advize whether the Law will admit of Bayle in Such Case, and whether an Act for the s^d Purpose might be proper to pass; To which they are of Opinion that they may be set to Bayle upon Soe Speciall a Case as this and that the Same will be best to be Done without an Act Then it is Demanded by his Ex^{ncy} what Bayle is most proper to be taken, to which was answered that the best way that Can be taken is that they bring two persons who will Enter into Recognizance body for Body that the s^d Prison^{rs} shall be forth Coming when Called.

Ordered that the s^d Prison^{rs} be set to Bayle they bringing two persons to morrow morning before this Board and House of Burgesses that will enter into Recognizance body for Body for the s^d Mason and Burley's appearance when Called.

Whitehall

At A Councill held &c^a Octob^r 18th 1694

Present

His Exec^{ncy} the Govern^r and all the Members of their Maj^{ties} Hono^{ble} Councill except M^r James frisbury.

Navall Officers Appointed up the Bay Whitehall

Ordered that there be three Navall Officers Appointed in the uper part of Chessiopeak Bay, Viz^t in Cæcill County at the head of the Bay Collonell Will^m Pierce at Oxford Towne in Talbote County M^r Thomas Smithson and at An-Arundell Towne in An Arundell County Cap^t Richard Hill. Came Coll^{le} William Pierce and Cap^t Richard Hill two Navall Officers as above Appointd

who had Administred unto them the Oaths Appointed by Act of Parliam^t instead of the Oaths of Allegiance and supremacy as alsoe the Oath of Trade & Navigatⁿ and Subscribed to the Test. And forasmuch as M^r Thomas Smithson the other Navall Officer Appointed is sicke soe th^t he cannot Attend to take the S^d Oathes it is Ordered therfore that the Hono^{ble} S^r Thomas Laurance and Edw^d Randolph Esq^r Administer the Same unto the s^d Smithson forme of a Navall Officers Comission then produced at the Board and Read and Approved off it was Ordered that the s^d persons be Comissionated accordingly.

Lib. H. D.

Whitehall

Order Abt
Collection of
Tob^o from
Taxable not
Inlisted
Upon Representation of Cap^t John Cood that the Constable of S^t Clements hundred in S^t Maries County has not made A Just returne of the List of Taxables of the same Viz^t in Returning fewer than in the s^d Hundred is contained Ordered thereupon by Advice in Councill that the Severall & Respective Sheriffs of this Province take care to make diligent inquiry and Examine into the List of Taxeables by the severall and Respective Constables Returned and where they doe find any such defect as Aforementioned that they leavey the same quantity of publick Tob^o from every Tyathable person soe neglected to be Returned in as large and ample manner as if they had been Actually Returned and the s^d Tob^o Soe over and above collected to secure and pay unto his Exce^{ncy} or Order.

Capt Hurles
Petⁿ for
allowance
abt Tryall
of the prize
ship
Whitehall
The Petition of Cap^t Jn^o Hurle read, therein humbly praying Allowance to be made him for the Sum^e of 17^{lb} 2^s 05 ster: being the ffifht part as he Alledges due for the Expence and charges he has been at about the Tryall & Condemnation of the prize Ship and Appointing the goods thereof.

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To w^{ch} this Boad does Say that they can at present doe nothing therein Untill their Maj^{ties} pleasure be knowne or advice Rece^d from the R^t Hono^{ble} the Lords of the Admiralty Ordered that the Hono^{ble} Collonell George Robotham be constituted Judge of the Court of Admiralty for the Eastern Shore and Collonell Nicholas Greenberry for the Western Shore and that Henry Denton & Thomas Collyer be continued in their Comissions of Register & Marshall of the s^d Court on the Western Shore.

Councill
ordered to
recomend
Rangers &c^a
His Exce^{ncy} Recomends to the Gentlemen of the Councill liveing on the Western Shore to signifie what persons will be proper to Appoint to Command the Rangers and who will be fit Men for Souldiers pursuant

Lib. H. D. to the Act of this Province and to send An Acco^t of the same to his Exce^{ncy} wth all convenient Speed

Governs
Orders to
the Council
in Case of
Insurrection

His Exce^{ncy} does likewise Recomend to the Gentlemen of the Council in Generall that they take all possible care (in case of invasson of fforaigne Indians or insurrection by Indians or others w^{ch} God forbid) for Raiseing forces to opose the same and send imediate notice thereof to his Exce^{ncy}

His Exce^{ncy} demands of the Board whether they thinke it will be Necessary to Appoint Rangers before the time limited by the Act to w^{ch} is Answered that they doe not see at present any Occassion for so doeing—His Exce^{ncy} is pleased to say that he will take a View of the ffrontiers himself (God Willing) at the time prescribed for the Rangers goeing forth. His Exce^{ncy} does further demand of the Gentlemen of the Council to consider if they have any thing else to propose or Offer either for the Service of their Maj^{ties} or the Countrey to w^{ch} they make Answer that at present they know nothing further to propose.

Hen : Denton C of Concl

October the 18th 1694

Comission
Issued con-
stituting Mr
Cheseldyn
Comissary

Mr Cheseldyn appearing at the Board humbly desires his Exce^{ncy} (Seeing he is favourably continued in the Office of Comissary) that Comision may Issue Under the Broad Seale for the Same.

Ordered that a Comission Issue Accordingly to continue dureing pleasure Whereupon was prepared a Comission pursuant thereto w^{ch} being read was Sign'd by his Exce^{ncy} and passed the Broad Seale of the Province.

October the 18th 1694

p. 20

Came before the hon^{ble} S^r Thomas Laurence Barron^t and Colonel Nicholas Greenberry, two of their Ma^s Justices of the prov^{ll} Court, Charles Carroll and John Eavans Genl. who did, in the presence of the Generall Assembly Undertake body for Body that W^m Burley & George Mason (prison^{rs} under Sentence of Death for the Murther of M^r John Payne) Shall appeare and be forth coming to Stand and abide their Sacred Ma^s determination whensoever they shall be thereunto Required by his Ex^{ncy} the Governo^r, with which they both declared themselves Contented.

Octob^r the 19th 1694

Lib. H. D.

Mr Tho:
Smithson
Sworne
Navall
Officer for
Oxford
Towne

The Hono^{ble} S^r Thomas Laurance Barron^t and
Edw^d Randolph Esq^r pursuant to the Order of this
Board did Administer the Oaths Appointed by Act
of Parliam^t instead of the Oaths of Allegiance &
Supremacy as alsoe the Oath of Trade and Naviga-
tion unto M^r Thomas Smithson Navall Officer appointed for
Oxford Towne who likewise Subscribed to the Test
Hen: Denton C of Concil.

Memorandum that whereas Samuell Dryer of An-Arundell p. 79
County and Susanah his wife did on the 6th day of Octob^r last
humbly Sett forth to this Board that she the s^d Susanah was
by a certaine Order of Councill bearing date the 6th of May
Anno: 1693 Rendered Uncapable of haveing her Oath taken
to be good evidence in any Matter or thing wthin this province
and therefore prayed Some consideracōn might be had relate-
ing thereto whereby the S^d Order might be set Asside and
she restored as formerly w^{ch} was Granted her, and Order
Accordingly Indorsed Upon the backe of her Petition; but the
sd Petⁿ by Accident being since lost, It was Ordered as fol-
lows Viz^t

By his Exce^{ncy} the Governor & Councill &c^t
Octob: the 6th 1694

Ord^r about
Susannah
Dryers Oath

Ordered that An Order of his Exce^{ncy} and Coun-
cill bearing Date the sixth day of May Anno 1693
relating to the invalidating the Oath of one Susanah
Dryer Wife to Sam^l Dryer of An-Arundell County be totally
and for ever set Asside disanulled and made Voyd so that by
means of any thing in the S^d Order contained she be nowise
rendered incapable of haveing her Oath taken in any Court or
before any Justice wthin this province

Signed p Order
Hen: Denton C of Concil

Whitehall Novemb^r 7th 1692

L^{re} to Gov- S^r
enor Copley
from Secy
of State in
favour of
Vorsman
& al.

The King being informed that M^r Vorsman, Moll,
Danckers, De la Grange, Bayert and some others,
whose fidelity & affection to his person and the
Governm^t his Maj^{ty} is well assured do live peaceably
and religiously together vpon a plantation on Bohemia River,
and the said persons being in some Respect strangers, may at
one time or other stand in need of your particular protection
and favour; His Maj^{ty} has commanded me to signify his

Lib. H. D. pleasure to you that you do Give them the same on all just & reasonable occasions, to the end they may, as others his Mat^r good Subjects Enjoy all possible peace and quietness in the Managem^t of their private Affairs and concerns. I am

S^r Your most humble Servant

The said L^{re} was thus directed ffor

Nottingham

Lion Copley Esq^r Captain Generall & Governo^r
in Chief of Maryland in America,

p. 80 At a Councill held at the Councill Chamber within the City of S^t Maries the Eighth day of November, in the Sixth year of the Reign of our Sovereign Lord & Lady King William & Queen Mary Annoq Domini 1694.

Present

His Excellency ffrancis Nicholson Esq^r

The Hon ^{ble}	}	S ^r Thomas Laurence Baronet Secry
		Thomas Tench Esq ^r
		Edward Randolph Esq ^r

Attorneys con-
sulted about
the New
Provl Com-
ission what
to be done,
for want of
the President
to whom
dedimus is
directed

Whereas the Provinciall Court of this Province was by Proclamation Adjourned vntill the Sixth day of November instant, And forasmuch as a New Commission for holding the said Court by Order of his Ex^{ty} and this Board hath been issued wherein and whereby Robert Smith of Talbot County Esq^r Speaker of the House of Burgesses is appointed and constituted Chief Judge of the said Court and therein especially Authorized to be sworn by Robert Mason & John Watson Esq^r to w^{ch} three persons the Dedimus potestatem was Especially directed, but the said M^r Smith, through stress of Weather as is reasonably supposed not being able to pass over the Bay, And sufficient Number of their Maj^{ties} Hon^{ble} Councill likewise not coming whereby the said Court might be Enabled to sit by Vertue of the old Commission; therefore taken into consideration what proper Methods to make Use off in such an Exigent of Affairs; Wherevpon was sent for what Attorneys were in Town to Advize about the premises, And Accordingly appeared M^r Attorney Generall, M^r Cheseldyn M^r Dent, M^r Clarke and M^r Watkins, And the Matter being stated to them by his Ex^{ty} They do Answer that the Court may be further Adjourned by the old Commission vntill to Morrow Morning, And therevpon Ordered that

the same be Adjourned Accordingly And that at the same Lib. H. D.
time the Cryer give Notice for the satisfaction of the Countrey, p. 81
that if the said M^r Smith Chief Justice &c^a does not come by
that time his Ex^{cy} (God willing) to Morrow Morning will in
person come into Court and swear the new Justices appointed,
now present in Town.

Petition of
Cap^t Hurles
Seamen
about the
ffrench prize
Petition of severall of the Seamen & Saylours
belonging Unto the ship Providence of London,
Cap^t John Hurle Comander therein setting forth
that they had hazarded their Lives in taking a ffrench
Prize which before a Court of Admiralty within this Province
had been legally brought to Tryall and condemned, therein
praying to know what share of the said Prize they might
legally Claime And further that there were not left above
ffifteen fighting Men and Seaven ffrench Men on Board the
said ship whereby they thought themselves not capable to
withstand the least Privateer, therefore likewise prayed to
know vnder what Convoy they were likely to go and how
their Wages might be secured.

This Board having seriously taken into consideration the
Case of the Petitioners Do say that as to the first they know
not what part of the. said prize ship does properly belong
Unto them, being forced to have Recourse to the Admiralty
Court of England for the Officers ffees about the Tryall of the
same and therefore Referr them to be Relieved in England;
As to their Sayling, if they had been ready sooner they might
have gone vnder their Maj^{ties} Convoy But that now there was
Orders for all the ships in the Countrey to Sayle And that
Cap^t Hurle their Commander had here in Councill promise to
Exchange two of his ffrench men for two English hands, and
should take care to see their Wages & all other Matters
honourably discharged Ordered therefore that the Petition^{rs}
proceed on their voyage with Cap^t Hurle their s^d Commander
vnder the pains & penalty which by their Refusall may fall
thereon.

Lib. H. D.
p. 82

At a Councill held at the City of S^t
Maries the Tenth day of Novemb^r A^o 1694.

Present

His Exceliency ffrancis Nicholson Esq^r

The Hono^{ble} { S^r Thomas Laurence Baron^t Sec^{ry}
Thomas Tench Esq^r
Edward Randolph Esq^r

Collectors of Petuxt Potomock & Pocomoke make Oath to yr Acc^{ts} to the penny p pound Came George Layfield Esq^r and produced to his Ex^{ncy} in Councill a Commission constituting him Comptroler and Surveyo^r of all the Duties &c^a arising in Maryland together with certain Instructions relating thereto; Wherevpon the said George Layfield brought likewise before his Ex^{ncy} George Plater Esq^r & M^r Philip Clarke Collectors of Potomock & Petuxt Districts, who severally produceing certain Acco^{ts} of the Duty of the penny p pound by them Collected & Received within the said Districts made Oath to the same accordingly, M^r Layfield also making Oath to the said Duty by him Collected within the District of Pocomoke.

The aforementioned Commission & Instructions are as follow. Viz^t

Mr Layfields Commission of Compt^r & Surveyo^r &c^a To all People to whom these Presents shall Come Wee the Commissioners for Managing & Causing to be Leavyed and Collected his Ma^{ty} Customs Subsidies & Duties in this his Kingdom of England send Greeting know Yee that Wee the said Commissionⁿ by Virtue of an Act of Parliam^t made in the 25th year of his late Maj^{ty} Reign, Intituled, An Act for the Encouragem^t of the Eastland & Greenland Traders, and for the better securing the Plantacōn Trade, And in the Pursuance of the Authority & Direction to Vs Given by the Right Hono^{ble} the Lord High Treasurer of England Have Deputed & Empowered and Do hereby Depute and Impower George Layfield to be Comptroler and Surveyo^r of all the Rates, Duties and Impositions arising & Growing due to his Majesty in his Province of Maryland by Virtue of the said Act Whereby he hath power to Enter into any ship, Bottom, Boat or other Vessell, as also into any shop, house Warehouse, hostrey or other place whatsoever to make diligent search into any Trunck, pack, Case, Chest, Truss or any other parcell or package whatsoever for any Goods Wares or Merchandize prohibited to be Exported or Imported or whereof the Customs or other Duties have not been duly paid, And the same to Seize to his Maj^{ty} Use, And

also to put in Execucōn all other the Lawfull Powers and Authorities for the better managing and Collecting the said Duties, in all things proceeding as the Law directs hereby praying and Requiring all and every his Maj^{ty} Officers & Ministers and all others whom it may concern to be Aiding and Assisting to him in all things as becometh Given vnder our hands & Seal at the Custom house, London this 19th day of March, Anno Domini, 1684. Lib. H. D.

Jo Werden J Butler J Buckworth, W Dickinson On the back of the s^d Commission was thus written Viz^t

At a Council Novemb^r 19th 1686

Maryland ss: Came M^r George Layfield and produced the within Commission and here made Oath vpon the holy Evangelist, that since the said Commission hath Come to his hands he hath to the best of his skill well and truly Executed the said Commission And likewise that for the future he will to the best of his knowledge well & truly Execute the said Commission according to the true intent & meaning thereof.

Jam Heath C of Concil

The Instructions follow.

Instructions by the Commissionⁿ for Managing & Causing to be Leavyed his Maj^{ty} Customs, Subsidies & other Duties in England to George Layfield Comp^r & Surveyo^r of all the Rates, Duties & Impositions Arising and growing due to his Ma^{ty} in his Province of Maryland by an Act of Parliam^t made in England in the 25th year of his late Ma^{ty} Reign. p. 84

1: Whereas in pursuance of the said Act made in the 25th year of his late Maj^{ty} Reign, Intituled, An Act for the Encouragem^t of the Eastland and Greenland Trades and for better securing the plantation Trade Wee have by Direction of the Right hono^{ble} the Earle of Dorchester Lord high Treasurer of England, Deputed Nehemiah Blackiston to be Collector of all the Rates, Duties & Impositions in his Ma^{ty} Province of Maryland, And for the better Leavying and Collecting thereof and Accounting for the same Wee have by the like Authority and direction Deputed you to be Comptroler and Surveyo^r of the said Rates, Duties and Impositions in the said province of Maryland, And because the said Act hath settled the Collection of the said Duties vnder such penalties as are inflicted for Non paym^t of or defrauding his Ma^{ty} of his Customs in England, Wee herewith deliver to you a Book of Rates wherein

Lib. H. D. are contained the principall Laws for Managem^t of the Customs in England, and also the principall Laws relating to the Plantacon Trade, Viz^t The Act of Navigation made in the 12th year of his late Ma^{ty} Reign and the aforesaid Act made in the 25th year of his said Ma^{ty} Reign for better securing the Plantacon Trade; And you are to Conforme your self to the severall Rules for Managing the Customs here according to the said Laws wherein the same are practicable with you.

2: You are before you Enter vpon this Employ^mt to take an Oath before the Governo^r or Dep^{ty} Governor of Maryland for your true and faithfull discharge thereof; And whereas there are severall Rivers for the Collection of the said Rates, Duties and Impositions in the said Province of Maryland where you cannot be your self, You are to have a sufficient Deputy (for whom you will answer) in each of the said Rivers or places to Attend the Execution of your Employ And you are your self or your Deputy with the Collector joyn^{tly} to Signe one of the two Bills of Entry brought in by the Merchant of all such Enumerated plantacon Goods as shall be Entered by him, which is to be a Warrant to you or your Deputy to Examine the Goods by And you are from time to time to inspect the Books of Entries and Accompts of the said Collector to see that due Entries be made of all Warrants Granted by him And to take care that no greater quantity of Goods be shipt than for what there is a warrant from the said Collector And if more Goods be shipt than for which the Duty shall be paid or Agreed for You are to Seize & prosecute the same according to Law.

4: And if any of the said Goods chargable which the Duties imposed by the said Act of the 25th year of his late Maj^{ties} Reign shall be loaden on Board any ship or Vessell before the Master of such ship or Vessell hath made Entry thereof according to the Act for preventing ffrauds and the Statute made primo Eliz: Cap: II. Such Master is lyable to the penalty of One hundred pounds by virtue of the said Laws.

5: And Whereas the Act made in the 22^d & 23^d years of his late Maj^{ty} Reign for Regulating the Plantacōn Trade is Expired you are to take Notice that ships may give Bond according to the aforesaid Act of Navigation to Return to England or Ireland; But you are also to take Notice that the said Act of the 25th of the King imposeth the Duties therein mentioned vpon the Enumerated plantacōn Goods in Case they be loaden before Bond be Given to bring them to England, Wales or Berwick and to no other place, That therefore where the Bond given before Lading shall be to Carry
p. 86 the said Goods to England or Ireland or any other of his Ma^{ty} Plantacōns That all such Enumerated Goods are lyable to the

paym^t of the Duties imposed by the said Act, And you are to Lib. H. D.
take Care that the same be Collected accordingly And that
none of the enumerated Goods which shall be pretended to be
loaden on any of the shipping that having Given Bond to go
to England, Wales or Berwick and to no other place be vnder
that Colour stollen on Board ships that have given Bond to
go to England or Ireland or some other of his Ma^y plantacōns
and so evade the Duties Chargable by this Act; To which
End it will be necessary for you & your Deputies not only
frequently to Visit such Ships and Vessells which have not
before lading given Bond to go to England Wales or Berwick
& to no other place; But also where you find it necessary,
You are with the Collector joyntly to put Men on Board to
take an Account of the Enumerated Goods laden on such
Ships, which Accompt you or your Deputy is at the time of
Clearing any such Ship or Vessell to Compare with the Col-
lectors Entries & Warrants, And if you find any such Goods
on Board for which there is no Warrant as aforesaid You are
to Seize & prosecute the same according to Law.

6: You are to take Notice that the paym^t of the respective
Rates & Duties imposed by the said Act of the 25th of the
King vpon the severall plantacōn Comodities therein named
which shall be shipt or Laden on Board any ship or Vessell
for which Bond shall not before Lading be Given to bring the
same to England, Wales or Berwick and to no other place
doth not give Liberty to Carry the same to any other place
than to some of his Ma^y Plantacōns or to England, Ireland
Wales or Berwick, And that notwithstanding the paym^t of the
s^d Duties they are to give Bond to Carrye all the said Goods
to some of his Ma^y plantacōns or to England, Ireland, Wales
or Berwick.

7: You are to take Notice that by the aforesaid Act of
Navigation no Goods or Comodities whatsoever are to be
Imported into or exported out of Maryland or any other of
his Ma^y Colonies or Plantacōns in any other ships or Vessells p. 87
whatsoever but in such ships or Vessells as do truly and with-
out fraud belong only to the people of England or Ireland,
Dominion of Wales or Town of Berwick vpon Tweed or are
of the Built of and belonging to any of his Maj^{ty} Colonies or
plantacōns as the proprietoⁿ and right Owners thereof and
whereof the Master and three fourths of the Mariners at least
are English vnder the penalty of the forfeiture and loss of all
the Goods and Comodities which shall be Imported or Exported
to or from any of the said Colonies or Plantacōns in any other
ship or Vessel, As also of the ship or Vessell importing or
Exporting the same; And if any Goods shall be imported or
Exported contrary thereto, you are to make Seizure thereof as

Lib. H. D. also of the ship or Vessell and prosecute the same as in the said Act is directed.

8: Whereas by the afores^d Act of Trade made in the 15th year of his said Ma^{ty} Reign & his said Ma^{ty} Proclamation pursuant thereto of the 24th of Novemb^r in the 27th year of his Reign no Co^modities of the growth, production or Manufacture of Evrope (other than such as are therein excepted) are to be imported into Maryland or any other of his Ma^{ty} Colonies or Plantacōns, but what shall be bona fide and without fraud laden & shipt in England Wales or Berwick and in ships duly qualified as therein directed; You are to Use your Utmost Endeavours for the due observance of the said Act, And if contrary therevnto any ship or Vessell shall import any Co^modities of the Growth, production or Manufacture of Evrope (but what are excepted as afores^d) of which due proof shall not be made that the same were ship'd or Laden in some Port of England, Wales or Berwick, such ship or Vessell & Goods are fforfieted, and you are to Seize & prosecute the same accordingly.

p. 88 9: And for your Pains and Encouragem^t herein one fourth part of what shall be Collected by Virtue of the aforesaid Act of the 25th of the King is allowed to you for your self and your Deputies to be paid to you by the said Collector.

10: ffor the prevention of ffrauds you are to informe yourself whether any ship or Vessell Lade or Unlade any Co^modities vntill the Master or Commander thereof have first made known to your Governor or whom he Appoint to that purpose the Arrivall of such ship or Vessell and have shewn him that she is an English built ship or otherwise qualified & Navigated according to Law.

11: You are every halfe year to send Us an Account of the Charge & discharge of the Collector And you are to make Oath thereof before your Governor or Dep^{ty} Governor to be Attested by him at the ffoot of your Accompt and you are to Signe the same.

12: And for the better preventing of ships trading in the Province of Maryland which by Law ought not to Trade there, you are every halfe year to transmitt to Us a List of all such ships & Vessells, as during such time have Entred both inwards & Outwards in the said Province according to the forme herewith delivered to you.

13: You are carefully to Examine all Certificates which shall be brought to the Governor of Maryland or the person by him appointed to Receive the same of any ships having given Bond for the preventing of false & counterfiet Certificates And as to such ships & Vessells as give Bond to the said Governor or the person by him appointed therevnto You are to take

care that the Sureties therein named be persons of sufficiency and Value and inhabitants on the place, And also to Endeavour to discover whether the Conditions of the said Bonds be performed and Certificates thereof produced, And on failure thereof that they be prosecuted And for this End if any ship or Vessell which hath Given such Bond shall happen to arrive again in Maryland you are to take care that Demand be made of the Master of a Certificate of such ships having discharged her former Lading according to such Bond, And if he produce no such Certificate within a convenient time that such Bond be put in process without further delay And in all Cases where Bond hath been given to the Governor as afores^d if you can discover and make prooffe that the ship or Vessell hath discharged her Lading contrary to her Bond such ship or vessel is to be put in process, And if a Certificate be produced you are Enjoyed strictly to Examine the same

Lib. H. D.

p. 89

Custom house London

15th Aprill
Exam^r

J Butler D North J Buckworth

W Dickinson J Chudleigh

Mr Plater,
Mr Layfield
& Mr Clarke
Sworn
Depty No-
taries vnder
Sr Tho:
Laurence
Secry

George Plater, George Layfield & Philip Clarke
sworn Deputy Notaries vnder the hono^{ble} S^r Thomas
Laurence Baronet Secretary for Petuxant, Potomock
and Somerset County Districts.

Mr Brisco
constituted
Navall Of-
ficer for
Petuxant
District &c^a

Mr Thomas Brisco Came into Councill who
Received his Comission for Navall Officer of Petux-
ant River, his Ex^{ncy} signifying in Councill that all
ships going vp that River or the Bay shall Enter and
Cleare with the said Brisco, except such as go
directly to Ann Arrundell Town, Oxford Town & Cæcill
County; Officers being there already Appointed

Mr Mus-
champ pro-
duces Com-
mission^{rs}
Deputacon
for Collec-
torship of
Potomock
&c^a

Came M^r George Muschamp and produced to the
Board a certain Letter of the 7th of March 1693 from
the Hono^{ble} the Comission^{rs} of the Custom house,
London, Directed to his Ex^{ncy} Francis Nicholson
Esq^r &c^a whereby was signified, that pursuant to
the directions of the R^t Hono^{ble} the Lords Commis-
sioners of their Ma^{ty} Treasury they had issued their

Deputacōn to the said Muschamp to be Collector &c^a at
Wicomicoco & Potomock Rivers in Maryland, who accord-
ingly likewise produced the said Deputacon vnder the hands
& Seal of the said Commission^{rs} Given at the Custom house
London the 14^d day of febr^y A^o 1693

Lib. H. D. Ordering before Admittance that he should take the Oath
 p. 90 directed by the Act of frauds before his Excellency and to
 Give Bond with two sufficient Sureties in 500^{lb} penalty; Vpon
 performance whereof, His Ex^{cy} does acquaint him he shall be
 Admitted

At a Councill held at the City of St Maries &c^r the 12th day
 of Novemb^r Anno 1694.

Present

His Excellency ffancis Nicholson Esq^r
 The Hono^{ble} { S^r Thomas Laurence Baronet Sec^{ry}
 { Thomas Tench Esq^r
 { Edward Randolph Esq^r

Mr Tench constituted Judge of the Admiralty Edward Randolph Esq^r their Maj^{ty} Surveyo^r Gen^l
 Representing to the Board that this day being the
 day appointed for the Tryall of the ship Recovery
 &c^a but that having Rec^d a Letter from Coll Jowles Judge of
 the Court of Admiralty, of yesterdays Date, which signifyes
 that he is so sick, that he cannot possibly come down; And
 forasmuch as the said M^r Randolph sets forth that all his Evi-
 dence is in Town and the said ship Requires a speedy Tryall,
 therefore prays some other person may be Commissionated
 &c^a Ordered that the Hono^{ble} Thomas Tench Esq^r be Commis-
 sionated Accordingly, And the same sent vp to Coll Jowles to
 pass the Broad Seal, if in Case he himself cannot come down.

Clerks writ- ing out the late Laws to be Allowed a quantum meruit It being Represented that the Body of the Laws
 last made are delayed to be sent to the severall
 Counties for want of Clerks, Two Coppyes as yet
 being but writ out; Ordered therefore that all Clerks
 that can be found in Town or others that can Write
 be imployed immediately to write the same out and that they be
 paid a quantum meruit for the same by Coll Jowles Keeper of
 the Great Seal, otherwise it is believed they will not be finished
 this quarter of a year.

p. 91

November the 13th 1694.

The Councill again Sate and were
 Present as before.

Mr Wm Dent made Assiat- ant to the Attorney Gen^l M^r Attorney Generall Representing to the Board
 that there is so much Kings Business that he cannot
 possibly discharge his Duty without some further
 Assistance Ordered therevpon that M^r William Dent
 be assistant to him therein in all Matters wherein he is not

already Retained against their Maj^{ty} who being present in Lib. H. D. Councill did Accept thereof.

Capt Cood,
Mr Chesel-
dyn &
Madam
Blackiston
Order'd to
bring in their
Acco^{ts} relat-
ing to the
publick Rev-
nue &c^a

Ordered that Cap^t Cood, M^r Cheseldyn & Madam Blackiston Return an Acco^t of what publick Reve- nue of this Province &c^a they are Accountable for, to his Ex^{cy} either this Night or to Morrow Morning, vpon Neglect or refusall whereof M^r Attorney Gen- erall is to make due proceedings against them according to Law. Ordered that M^r Tench bring in his Account likewise as Administrato^r of Governor Copley.

November the 14th 1694

The Councill again Sate, and were
Present, as before

M^{rs} Bourn
produces a
Book &
papers, sup-
posed to be-
long to ship-
ping, wch she
delivered to
M^r Ran-
dolph

Came Madam Elizabeth Bourn Executrix of M^r Sam^l Bourn late Navall Officer of Petuxant District dec^d according to Summons sent her by his Ex^{cy} who brought with her a certain Booke & other Writings, the Contents Unknown, and delivered the same vnto Edward Randolph Esq^r Surveyo^r Generall of their Ma^{ty} Customs and Dep^{ty} Audito^r vnder the Right Hono^{ble} William Blathwayt Esq^r being supposed to be Accounts belonging to the Navall Office of that District, And the said Madam Bourn did before his Ex^{cy} in Councill make Oath that she would further deliver vp vnto George Plater Esq^r or other person whom his Ex^{cy} should Appoint all other Books, Writings & Papers any ways relating to or concerning the said Office remaining still in her Custody or which she is or shall be any ways privy to. p. 92

M^r Ran-
dolph Or-
der'd to Re-
deliver
the Book
&c^a after
pervsall

Ordered that the Hono^{ble} Edward Randolph Esq^r after his pervsall of the aforementioned Book & papers do Redeliver vnto the said Madam Bourn or order all papers and Writings that imediately don't concern either their Ma^{ty} or the publick.

M^{rs} Bourns
Pet & Ord^r
abt Arrears
of her hus-
bands Navall
Officers fees

Petition of Elizabeth Bourn Widow Executrix &c^a of Maj^r Samuell Bourn late Navall Officer of Petux- ant District, setting forth that there were still due to her husband from severall Masters of ships severall Sumes of Money due to him as Navall Officer of that District remaining still vnpaid, the which she was vncapable of geting without the favour of this Board in Ordering the

Lib. H. D. present Collector of that District to gather the same for her Use, as often as oportunity shall present The said Elizabeth Bourn Ex^{ra} as aforesaid, Delivering a List of the aforementioned Debts due to the said Maj^r Bourn as Navall Officer of Petuxant District, vnto George Plater Esq^r their Ma^{ty} Collector of the said District; Ordered therevpon that the said M^r Plater take care to Collect the same accordingly and make payment thereof vnto the abovenamed Madam Bourn Ex^{ra} as aforesaid.

Laws dd to The Originall Laws delivered at the Board by his
H. Denton Ex^{ncy} vnto Henry Denton Clerk in Order to set
by his Ex^{ncy} those persons he has summoned to make Coppys
&ca of the same pursuant to former Ord^r

November the 15th 1694

The Councill again Sate, and were
Present, as before.

Mr Tench Produced at the Board Commission vnder the
sworn Judge Broad Seal Dated 13th of Novemb^r instant signed by
of the Ad- his Ex^{ncy} constituting the Hono^{ble} Thomas Tench
miralty and Esq^r Judge of their Ma^{ty} Court of Admiralty within
Recelves his this Province, the same being presented by his Ex^{ncy}
p. 93 Comission to the said Esq^r Tench at the Board and was therevpon sworn
Accordingly.

Mr Attorney Ordered that a Chancery Commission be prepared
Generall by M^r Attorney Gen^l therein constituting the same
Ordered to persons as by this Board were appointed in a former
prepare a Order bearing Date the day of last past.
Chancery Commission

Commissions Ordered that Commission be prepared to Con-
to be drawn stitute Henry Denton Clerk of their Ma^{ty} Hono^{ble}
to constitute Councill within this Province and another Commis-
Hen: Denton sion to constitute him Clerk to the Governor &
Clk of the Councill for hearing Appeals & Writs of Errour.
Councill &
Clk to the
Gov^r & Coll
for Appeals
&ca

Oaths to be Ordered that particular Oaths be framed to be
framed to be taken by the Hono^{ble} the Judges of the Admiralty
taken by the and by the Reg^r & Marshalls of the said Court; as
Judges of also Another to be taken by the Clerk to the Gov-
the Admir- ernor & Councill for Appeals &c^a
alty Reg^r & Marshall

Oath for Clk
of Appeals
&c^a

Govern^r His Excellency Representing that he had pursu- Lib. H. D.
Representa- ant to their sacred Maj^{ty} Royall Instructions care-
tion aht fully Examined and Stated the severall Accounts of
Madam fully Examined and Stated the severall Accounts of
Blackistons Nehemiah Blakiston Esq^r their ma^{ty} late Receiver
Accot^r relat- and Navall Officer of Potomock District relating to
ing to the the publick Revenue in his hands &c^a And finding
Revenue &c^a the said Accounts much perplexed, yet notwithstanding is
made Appear to be due from the Estate of the s^d Blackiston to Whitehall
their Ma^{ty} vpon state of the whole matter the Sum^e of

the Adm^{ty} having delivered Bills to his Ex^{ty} to the Value of
One hundred & five pounds, seaven shillings & Eight pence
st^d in part satisfaction of the same for which he had given
Receipt to the Administratrix, and accordingly delivered at
the Board the said severall Bills vnto the Hon^{ble} Edward
Randolph Esq^r Dep^{ty} Audito^r vnder the Hon^{ble} William
Blathwayt Esq^r Audito^r Gen^l and George Plater Esq^r their
Ma^{ty} Receiver & Attorney Gen^l by them to be Negotiated and
to Receive the Residue from the Adm^{ty} in Tob^o at six shillings
p Cent, it appearing to be a desperate Debt

Mr Tench The said Bills runing payable to Coll Copley late p. 94
Order'd to Governo^r dec^d therefore Esq^r Tench Administrator
indorse the of the said Governo^r Copley is Ordered to indorse
Bills as the said Bills for their Maj^{ty} Use.
Adm^r to Gov^r

Copley The List of the Bills is as follows Viz^t

A list of the Bills of Exchange delivered to his Excellency
Francis Nicholson Esq^r by the Adm^{ty} of Ne^a Blackiston late
Receiver and Navall Officer of Potomock District in Maryland
being in part of the Ballance of Accounts due to their Maj^{ty}
from the said Ne^a the said Ballance being (as the Accounts
are now stated) 190^{lb}: 16^s: 2^d: 1/2

List of Bills of Ex- change dd by Madam Blackiston to his Ex ^{ty}	Imprimis William Chandler on M ^r Thomas Warne & Comp ^a in Ply- mouth	lb s d 11 : 00 : 00
	Ditto on Ditto	04 : 18 : 04
	John Winsloe on M ^r John Ive Merch ^t in London	13 : 06 : 08
	Ditto on Ditto	01 : 11 : 06
	Ditto on Ditto	02 : 00 : 00
	Jacob Chubb on M ^{rs} Elizabeth Drady	02 : 00 : 00
	Ditto on Ditto	04 : 01 : 08
	Ditto on Ditto	07 : 14 : 00
	Gustavus Hamilton on M ^r James ffoules Merch ^t in London	12 : 16 : 03
	Ditto on Ditto	02 : 00 : 00
	Ditto on Ditto	02 : 18 : 04
	Ditto on Ditto	03 : 14 : 08

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Lib. H. D.	Thomas Reynoldson M ^r Richard Haughton	lb	s	d
	Merch ^t in Leverpoole	16	: 08	: 03
	John Lancaster on David Arburknot Merch ^t			
	in Weymouth	20	: 18	: 00
		105	: 07	: 08

Vnderneath the s^d List was the following Receipt.

November the 14th 1694.

Governors	Then Rec ^d of M ^{rs} Elizabeth Blackiston Adminis-
Receipt for	tratrix of the above named Ne ^a the above mentioned
bills of	Bills Amounting to the Summe of One hundred &
Exch: dd by	ffive pounds seaven shillings & Eight pence, in part
Madam	of the Ballance above mentioned, by me ffr Nicholson
Blackiston	

Vnderneath the s^d Receipt was thus written, Viz^t

Novemb^r 15th 1694.

We Acknowledge to have Rec^d the above Bills of his Ex^{ncy} according to Ord^r of Councill this day.

Ed: Randolph Dep^{ty} Audit^r
George Plater Receiv^r

p. 95 Govern^{rs} His Excellency likewise Represents that having
Representa- Rune through the severall Accounts of the late
tion about Governor Copley relating to the publick Revenue in
Quarter part of the Rev- his life time Received, he finds that the quarter part
enue Gover- thereof as neare as can be brought Amounts to the
nor Copley Summe of ffour hundred Seaventy One pounds Twelve
made Use shillings & ffour pence half penny; for which the
off
Whitehall Adm^r of the said Governor Copley must Account; therefore
Esq^r Randolph and M^r Plater are Ordered to take care therein,
and see that due Proceedings be made according to Law.

Govern^{rs} His Excellency further Represents that having
Representa- Examined & Stated the severall Accounts of Cap^t
tion about John Cood relating to their Maj^{ties} Revenue does find
Capt Coods that there remains in his hands vnaccounted for the
Accot stated summe of ffive hundred thirty two pounds, two shillings and
Nine pence, And the said Cap^t Cood being sent for and
Whitehall appearing does say that it being Court time so that he was
obliged to tend the said Court, being Sheriffe, otherwise
would have gone home (pursuant to former Ord^r) and fetcht
such papers whereby he could discharge part or all of the afore-
mentioned summe; Ordered therevpon that the Hono^{ble} Edward

Randolph Esq^r Deputy Audito^r & George Plater Esq^r their Lib. H. D.
Ma^{ty} Receiver and Attorney Generall take care to put in pro-
cess ag^t the said Cood, on behalfe of their Maj^{ty} such part of
the said sume as he shall not justly discharge.

Govern^r demand how
he would
pay the
above Debt
due to their
Maj^{ty} from
Govern^r
Copleys
Estate
Whitehall

His Excellency demands of Thomas Tench Esq^r
Administrat^r of the said Governor Copley how he
would discharge & pay the said Money who makes
Answer that he has paid out the said Estate already
so farr as he has Assets, and for further satisfaction
of his Ex^{ncy} & the Board he Offered the following
papers, Viz^t

Maryland ss :

At the City of S^t Maries, Novemb^r the 16th 1694

The Deposition of Thomas Tench aged v^pward of thirty
year, vpon Oath saith,

Thomas
Tench Esq^r
his Deposi-
tion

That this Deponent coming to this City sometime Whitehall
in September, A^o 1693 after the Decease of his p. 96
Ex^{ncy} Lionell Copley Esq^r Governor of this Province
being at the house of the deceased, Coll Nehemiah Blackiston
and M^r John LLewellin shewed this Deponent an instrument
of Writing which M^r LLewellin informed this Deponent was
according to the deceased's Order, And he intended to signe
and declare it to be his last Will & Testam^t but it pleased God
to take him to himself before he could accomplish the same in
which Writing this Depon^t found nominated (as Trustees to
take care and Manage the said Governors Estate after his
Decease) Coll Nehemiah Blackiston, Coll Nicholas Greenberry,
George Plater Esq^r M^r John LLewellin and this Depon^t Coll
Blackiston being then Commissary Gen^l could not take vpon
him the Administration, M^r LLewellin excused himself likewise
having so much publick business to do, they perswaded George
Plater Esq^r and this Depon^t (being nominated by his Ex^{ncy})
to take out Letters of Adm^{con} on the deceased's Estate,
accordingly they did, but before they proceeded to Appraisem^t
S^r Edmond Andros Arrived in this Province, and after he was
admitted to Act as Captain Generall (as this Depon^t was
informed) His Ex^{ncy} inquired how Governor Copley had dis- Whitehall
posed of his Estate, vpon which the eldest Son and heir of the
deceased shewed his Ex^{ncy} his ffathers intended Will, vpon
pervsall of which his Ex^{ncy} advised the said eldest Son & heir
of the deceased or acquainted him it was his Right and in his
possession to choose whom he pleased to administer on his
ffathers Estate in his & the other Childrens behalfe, as the said

Lib. H. D. M^r Lionel Copley informed this Depon^t so made void the former proceedings of George Plater Esq^r & this Depon^t; the said eldest Son & heir in pursuance to the advice given him made Choice of Coll Nehemiah Blackiston & this Depon^t to be Administrators on his ffathers Estate in his behalfe, his sister and Young brother, and signified the same to M^r Kenelm Cheseldyn then Commissionated Comissary Gen^l by his Ex^{cy} S^r Edmond Andros; vpon the said Commissary's perversall of the Will and finding it not to be perfected, he Rejected, Vacated & declared the same to be Void in Law, however Granted Letters of Administracon to Coll Blackiston and this Depon^t vpon their Giving Oath as the Law directs;

p. 97 the said Commissary Approved of three Judicious Men that were Nominated Appraisers who were by him likewise sworn; When they had Appraised what was brought to their sight & knowledge, they delivered to this Depon^t an Inventory signed & Sealed by them amounting to the Sum^e of One thousand One hundred thirty two pound Nineteen shillings & ten pence half penny, Dated the 14th day of October, in a few dayes Coll Blackiston departed this life, then this Depon^t (as by his Councill was and is advised) became sole Administrator, and proceeded to the paym^t of the said Governor Copleys just Debts in the Countrey being duely proved, he having no legall or timely Caution to Reserve any part of the said Estate in his hands for the paym^t of any Debt due to their Ma^{ty} either by S^r Edmond Andros Cap^t Generall at his first or second coming or (in his absence) the presidents and Councill, or any of their Ma^{ty} Receivers within this Province Untill this Depon^t had paid to diverse persons as farr as the Estate was appraised at and Amounted to, as by this Depon^t Accompts and Receipts exhibited into the Commissary Gen^l Office more fully appears, which is by the Laws of this Province and constitution of the same full and due Administration, as this Depon^t is by his Councill informed; this Depon^t further saith that some time in June last past, Esq^r Randolph their Maj^{ty} Surveyor Generall desired or Ordered him to Reserve what Effects of the said Governor Copleys Estate remained in his hands and pay no farther, for there was a Debt due to the King w^{ch} was of a higher Nature than any other Debts or to that Effect not declaring by what meanes Governor Copley became indebted to their Maj^{ty} or in what Sum^e, but speaking generally; soon after their Ma^{ty} Attorney Gen^l caused a Writ to be issued out against this Depont as Administrator of Lionel Copley at their Ma^{ty} Suit, some time after that, this Depon^t was served with

p. 98 a Writ of Quominus, as he Understood it to be, by the Order of M^{rs} Elizabeth Blackiston the Relict of Coll Nehemiah Blackiston their Maj^{ty} Collector & Receiver for Potomock

District; And now his Ex^{cy} Governor Nicholson vpon his Lib. H. D.
strict Examination how their Maj^{ty} Revenue has been disposed
off since the Revolution in this Province finds that Governor
Copley had Received vpward of ffour hundred pound more
than he ought to have Converted to his owne Use but laid out
for Armes and Amunition for their Maj^{ty} service & defence of
this Province as appears by their Ma^{ty} Royall Instructions to
the said Governor Copley to which this Depon^t was altogether
a stranger, And before either of these Claimes this Depon^t
had fully paid as farr as Assets and duely Administred as
aforesaid, And this Depon^t further saith not.

Thomas Tench

Vnderneath the same was thus written

November the 16th 1694.

Came the above Depon^t and made Oath before me to the
truth of the above mentioned premises

ffr: Nicholson

in p'sence of Vs

Thomas Laurence Sec^{ry}

Ed: Randolph Dep^{ty} Auditor &c^a

Maryland Novemb^r the 15th 1694

George Plater
Deposition touch-
ing Administracon
of Govern^r
Copleys
Estate.

This day came before me George Plater Aged
vpwards of thirty years and made Oath on the Holy
Evangelist that Nehemiah Blackiston Coll Nicholas
Greenberry, this Depon^t and John LLewellin were
appointed Trustees by the Hono^{ble} Lionel Copley
Esq^r in his intended Will which he heard as aforesaid
the s^d Copley Ordered to be writ, but did not live to signe,
some time after said Copleys decease, Coll Blackiston being
Commissary Generall Granted to this Depon^t & Thomas
Tench Esq^r Letters of Administracon, but before the Depon^t Whitehall
could proceed to the Execution of said Authority S^r Edmond
Andros arrived here, by whose means the said Letters of
Administracon were made Voyd & the Son & heir of the
Deceased advised by the s^d S^r Edmond Andros to Choose
whom he thought good to Administer on his ffathers Estate, p. 99
in behalfe of himself, his Brother & Sister, as this Depon^t was
informed by the heir, According to S^r Edmond Andross
Advice, the Heir, M^r Lionel Copley made Choice of Coll
Nehemiah Blackiston and the said Thomas Tench, who, as
this Depon^t was informed, had Administracōn accordingly
And further this Depon^t saith that this Depon^t never had any

Lib. H. D. Orders or directions from the said S^r Edmond Andros for the stating or making vp their Maj^{ty} Account with the said Lionel Copleys Administrators or any other person for any Summe or Summes of Money due to their Maj^{ty} though the Estate of the deceased Govern^r Copley was on or about the 14th day of October 1693, as this Depon^t has been informed, Appraised to the summe of One thousand pounds sterling & Upwards, And this Depon^t further saith that Thomas Tench Esq^r Adm^r of said Governor Copley informed him that he had the beginning of November following paid out of the said Estate Sixteen hundred pounds sterling.

George Plater

Sworn before me the day & year above said.

ffr: Nicholson

in p'sence of Vs Thomas Laurence Sec^{ry}

Thomas Tench

Ed: Randolph Dep^{ty} Auditor.

Capt^t Richd
Hill ad-
mitted &
sworn Depty
publick
Notary of
Ann Arrun-
dell County

Came Cap^t Richard Hill of Ann Arrundell County, who having taken the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy was admitted & sworn Deputy publick Notary of Ann Arrundell County vnder the Hono^{ble} S^r Thomas Laurence Baronet Secretary.

At a Councill held at the City of S^t Maries,

Novemb^r the 17th 1694.

Present

His Ex^{cy} ffancis Nicholson Esq^r

S^r Thomas Laurence Baron^t Sec^{ry}

The Hono^{ble} { Thomas Tench Esq^r
Edward Randolph Esq^r

p. 100 Attorneys
sent for to
Advise
about the
Courts
denying an
Appeal in
Tryall of
Murthlands
ship

His Excellency having Rec^d Information by the Hono^{ble} Edward Randolph Esq^r Surveyo^r Generall of their Ma^{ty} Customs &c^a and George Plater Esq^r their Maj^{ty} Attorney Generall that vpon a Tryall had the 14th past, before the Justices of the Provincia^l Court, of the ship Anna Helena of Belfast Samuell Murthland Master, being Tryed for breach of severall Acts of Trade &c^a but was acquitted by a Jurye That their Maj^{ty} Attorney Generall did therevpon pray an Appeal to the Governor and Councill of this Province and was denied the

same; His Ex^{cy} therevpon did Order that all the Attorneys in Lib. H. D.
Towne who were not concerned against their Maj^y in the said
Cause should be sent for to Advise with them about the same,
And accordingly appeared M^r Kenelm Cheseldyn, M^r Philip
Clarke, M^r Samuell Watkins, M^r Griffith Jones and M^r Robert
Goldesborough, to whom his Ex^{cy} stated the Case, who were
of Opinion the King ought not to be debarred an Appeal

Afterwards was sent for and Read the information brought
against the said ship, and therevpon his Ex^{cy} Ordered all the
said Attorneys to go & Consult what was proper to be done
on behalfe of the King therein, and further to move the Court
in that Matter.

Govern^rs
promise in
case of con-
demnation
of Murth-
lands ship

His Excellency is pleased to declare that if the
said ship be Condemned he will give his third part
towards the building of the free schole at Severne.

M^r Geo:
Muschamp
admitted &
sworn Col-
lectr of Po-
tomock Dis-
trict &c^a

Came M^r George Muschamp who (pursuant to the
directions of a Letter from the Hon^{ble} the Commis-
sion^r of the Custom house sent to his Ex^{cy} and pro-
duced at this Board 10th of November past) Entered
into Bond with two sufficient Sureties in the Summe
of five hundred pound sterl for his due Executing and Offici-
ating the Office of Collector for Potomock District in Mary-
land, and at the same time had Administered Unto him the
Oaths appointed by Act of parliam^t to be taken instead of the p. 105
Oaths of Allegiance & Supremacy, as also the Oath for the
due observance of the Acts of Trade & Navigation as like-
wise subscribed to the Test

Attorney
Gen^l Or-
der'd to take
care abt Col-
lection of
ffines &c^a

Ordered that George Plater Esq^r their Ma^y
Receiver & Attorney Generall take care to inspect
what Amerciamⁿ & ffines are due to their Maj^y in
the Provinciaall Court of this Province from the time
of the Revolution, as also all ffines in the severall
County Courts, And that the same by him be duly Collected;
And that all the Attorneys here in Councill this day be like-
wise consulted what is proper to be done therein, and what
Method & course to take about the publick Revenue remain-
ing in Cap^t Coods hands; as likewise give their Advice about
the Tryall of M^r Tench's ship called the Anne, for which there
is now an Appeal, as also in the Tryall to be had about the
ship Recovery Samuell Wilson Comand^r And further that they
give their Opinion in the Act for Religion, as to the disposall
of the 40th tob^o p poll & building of Churches, And to advise
in all other Matters & things where their Maj^y interest shall
Require & call for the same.

Lib. H. D. Accounts Exhibited by M^{rs} Elizabeth Blackiston and sworn to before his Excellency, as follows.

The Impost of one shilling p hh^d for Tobacco's shipped in Potomock District vnder the Charge of Nehemiah Blackiston Esq^r dec^d from the time of the Arrival of his Ex^{cy} Lionel Copley Esq^r dec^d late Governor, to the death of the said Nehemiah Blackiston Viz^t

		lb	s.	d.
May 14 th	82: hh ^{ds} on Board the ship Ebenezar of Plymouth Thomas Collin Mast ^r	04	02	00
	89: hhds on Board the Pink Mary of Maryland Wm Black Master	04	09	00
	220 hhds on board the ship Reserue of Bristoll	11	00	00
	391 Wm Roberts Master			
	Carried to the other side	19	11	00
p. 105	Brought over	lb	s.	d.
	Viz ^t hhds } 391 To Account Brought from the other side	19	11	00
	60: hh ^{ds} on Board the Barque Katherine of Poole Rich ^d Tregian Mast ^r	03	00	00
	74: hh ^{ds} on Board the ship Nathaniell of Bristoll Allexand ^r Piney Mast ^r	03	14	00
May 30 th	45: hh ^{ds} on Board the ship ffriends Agreem ^t of Bristoll, Tho: Wills Master	02	05	00
June 19 th	280: hh ^{ds} on board the ship George of Plymouth John Carne Master	14	00	00
July the 2 ^d	160: hh ^{ds} on Board the ship Resolu- tion of Plymouth John Luke Master	08	00	00
	50: hh ^{ds} on Board the ship Robert & Andrew of Weymouth Henry Mattocks Master	02	10	00
	356: hh ^{ds} on Board the ship Rogers of Ply- mouth Sampson Clarke Mast ^r	17	16	00
	18 hh ^{ds} on Board the Sloope Success of Bur- moudo's Te Smith M ^{rs}	00	18	00
August 1 st	154: hh ^{ds} on board the ship Portsmouth John Chubb Mast ^r	07	14	00
	50: hh ^{ds} on board the Briganteen ffriendship Hen: Hill Mast ^r	02	10	00
March 12 th	205: hh ^{ds} on board the Golden ffleece, John Jenckins Mast ^r	10	05	00
1693: 25 th	6: hh ^{ds} on board the Ketch Endeavour of Salem, Tho: Dean Mast ^r	00	06	00
April 1 st	422: hh ^{ds} on board the ship Loyalty of Liverpool, Tho: Reynalds Mast ^r	21	02	00
March 10 th	242: hh ^{ds} on board the Briganteen Planter, John Lancaster Mast ^r	12	02	00
	172: hh ^{ds} on board the ship Adventure of Lan- caster Nat: ffetherson M ^r	08	12	00

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	lb.	s.	d.	Lib. H. D.
173: hh ^{ds} on board the Success of Plymouth, Ben Ash Mast ^r	08	13	00	
242: hh ^{ds} on board the Barbados Merch ^t Cuthbert Sharpless Mast ^r	12	02	00	
201: hh ^{ds} on board the ship Windmill, Nich ^o Bat- tin Mast ^r	10	01	00	
26: hh ^{ds} on board the Briganteen ffrienship	01	06	00	
52: hh ^{ds} on board the ship Jane of Plym ^b Rob ^t Edgecomb Mast ^r	02	12	00	
300 hh ^{ds} on board the ship W ^m Mary, George Martin Mast ^r	15	00	00	
50: hh ^{ds} more on board the ship Resolution, Jn ^o Luke Mast ^r	02	10	00	
5: hh ^{ds} on board the Sloop Providence, Henry Cookery Mast ^r	00	05	00	
May 14 th 135 hh ^{ds} on board the John & Mary, Isaack Jones Mast ^r	06	15	00	
110 hh ^{ds} on board the Portsm: Jacob Chubb Mast ^r	05	10	00	
3979. Elizabeth Blackiston.	198	19	00	

On the back of the s^d Acco^t was thus written Viz^t

Novemb^r 17th 1694.

Came the within named Elizabeth Blackiston & made Oath p. 107
that the within is a true Acco^t and that she never Imbezelled
any of the pap^{rs} of her dec^d husband relating to the publick
Revenue of this Province, and that no person had ever any
thing to do with any such Papers since his decease, save M^r
Tench, M^r LLewellin, M^r Lynes & M^r Carss.

Sworn to before his Ex^{cy} the day & year above^d in pre-
sence of the Hono^{ble} Edward Randolph Esq^r Auditor & George
Plater Esq^r Receiver & Attorney Generall

Hen: Denton

C of Concil

1694. The Account of Elizabeth Blackiston, Administratrix
of the Goods & Chattells of Nehemiah Blackiston Esq^r late
Receiver Gen^l of all their Maj^{ty} Revenues in Potomock Dis-
trict in Maryland.

Lib. H. D. Madam
Blackistons
Acco^t of the
publick
Revenue
&c^a

The said Accountant chargeth her self with the Duty of 1 ^s p ^h Exported out of the s ^d District from the time of the s ^d Ne ^{as} Entering vpon the Office of Navall Officer till the time of his death, amounting to the Summe of	198 : 19 : 00
As also with the Moiety of a parcell of Prize Beere Appraised at 16 ^{lb} 11 ^s 5 ^d	8 : 05 : 08½
As also with the third part of the condemnation of the ship Margaret & ffurniture, Appraised at 291 ^{lb} is	97 : 00 : 00
The one third part of the Cargo at Parcell of Negro's Appraised at 103 ^{lb}	153 : 03 : 10 34 : 06 : 08 491 : 15 : 02½
The said Accountant humbly Craves Allowance for severall Bills of Exchange, as p List	105 : 07 : 08
She also Craves Allowance for Sallary according to the s ^d Nehemiah's Commission delivered him the 6 th day of Octob ^r 1692 to the time of his decease, being 17 th of Octob ^r 1693	102 : 00 : 00
She also craves allowance for Money made good to his Ex ^{ty} Lionell Copley late Govern ^r included in his Acco ^t of shipping, placed to the Acco ^t C ^r of the Estate	198 : 19 : 00
She also prays Allowance for 13234 ^l tob ^o in Money at 6 ^d p Cent	039 : 16 : 03
Remains due to their Ma ^{ty} in the hands of the s ^d Administ ^{rs} a true Acco ^t Errors excepted Elizabeth Blackiston	047 : 12 : 03½
On the back of the foregoing Acco ^t was thus written Viz ^t	

Novemb^r 17th 1694.

Lib. H. D.

Came the within named Elizabeth Blackiston and made Oath that the within is a true Acco^t and that she never Imbezelled any of the pap^{rs} of her dec^d husband Relating to the publick Revenue of this Province, And that no person had ever any thing to do with any such pap^{rs} since his decease save M^r Tench, M^r LLeuellin M^r Lynes and M^r Carss. p. 108

Sworn to before his Ex^{cy} the day & year aboves^d in presence of the Hono^{ble} Edward Randolph Esq^r Dep^{ty} Auditor & George Plater Esq^r Receiver & Attorney Generall.

Hen: Denton C of Concil

The following Paper was delivered me by his Ex^{cy} to Enter in the Journall of this Board, Viz^t

Mr Cheseldyns Cert of what Bills of Excha made Use off
Of the Bills of Exchange that I had delivered to me by Maj^r King he had to his own Use, only Twenty three pounds.
Novemb^r 16th 1694 Kenelm Cheseldyn

At the City of S^t Maries in the Councill Chamber, November 19th 1694. Mett

His Ex^{cy} ffancis Nicholson Esq^r

The Hono^{ble} { Thomas Tench Esq^r
Edward Randolph Esq^r

Esq^r Randolph Order'd to inquire abt Custom Charg'd by M^r fforster for Arms &c^a sent to Govern^r Copley at New York &c^a
The Hono^{ble} Edward Randolph Esq^r Surveyo^r Gen^l of their Majesties Customs &c^a acquainting his Ex^{cy} with his designe of going shortly to New York, his Ex^{cy} therevpon was pleased to give his directions for the said M^r Randolphs inquiring into M^r Miles fforsters Charge to the late Governor Copley about Arms & Amunition shipped by the said fforster in New York, in and vpon the Sloope called the Johannis, John Trevet, Master Coppy of which Charge attested by his Ex^{cy} and Originall Bill of loading signed by said Trevet he the said M^r Randolph Received from his Excellency for the said End & purpose; Ordered that the said M^r Randolph make inquiry (pursuant to former Order of his Ex^{cy} of the 9th of October last past) whether the Custom Charged by M^r fforster to Governor Copleys Acco^t should not be Refunded being the Kings Stores; And that as to the Eight Barrells of fine powder remaining still in the said M^r fforsters hands, the said M^r Randolph is likewise Ordered to take care when he comes to New York, for to get the same shipped hither, if he meets with a convenient oportunity to do the same at an easy p. 109

Vide M^r Miles fforsters Acco^t vpon the other side

Lib. H. D. Rate; otherwise to make Sale of the same in New York, if he finds he can dispose thereof for a good price; And that he take good & sufficient bills of Exchange for the said powder (if sold) and bring the same hither for Maryland.

Capt Wm
Dent made
Navall
Officer for
Vpper parts
of Charles
County

Came Capt William Dent, who Received a Commission signed & Sealed by his Ex^{acy} to be Navall Officer for the vpper parts of Charles Counry, Viz' Begining at Portobacco and so vpwads to the head of the said County.

Mr P: Clarke
made Navall
Officer from
Point look-
out &ca to
Portobacco

M^r Philip Clarke at the same time Received like Commission for being Navall Officer from Point look out to Portobacco, in Potomock River; they both having taken the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath for the due observance of the Acts of Trade & Navigation and likewise subscribed to the Test.

The following was a Certificate brought from the Provinciaall Court, of M^r Thomas Brisco's being sworn Navall Officer there.

Certificate
of Mr Brisco's being
sworn
Navall
Officer of
Petuxant
&ca

These may Certifye whom it may concern that the Bearer hereof Thomas Brisco of Calvert County Gent hath in open Court taken the Oaths appointed by Act of Parliam^t as also the Oath of Navall Officer for Petuxant District, Witness my hand this Tenth day of November, in the Sixth year of their Maj^{ty} Reign &ca Annoq Domini, 1694.

Hen: Wriothsley Clk Cur
Prov^l de Maryland.

Coll Lionel Copley D^r

	lb	s.	d
¹⁶⁹² p. 110 7 ^r 7 th To Sundries as p Acco ^t Given his Lady }	80	11	03
To Cash paid, Custom, Entry & Portrige for Landing & housing 78 Barrels of powd ^r & two bundles of Armes }	8	03	06
To Ditto p ^d Cartage & portrige to Remove it to another place }	1	02	09
To Ditto p ^d for Storage to the 21 th x ^r	3	00	00
To Ditto for Ditto to the 15 th Aprill with Cooperige at 18 ^d p barrell }	5	17	00
¹⁶⁹³ Aprill 22 ^d To Cash paid Cap ^t Privit for freight	21	00	00
To my commission for Receiving & shipping the powder & Guns & being out of my money for almost a year before it can be Received }	25	00	00
	144	14	06

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	lb	s.	d	Lib. H. D.
Contra C ^r				
By his Bills of Exch ^a for £ 80 st ^d is	100	00	00	
By 2 barrells of powd ^r missing allowed	12	00	00	
	£	112	00	00
Ballance due to Miles florster	£	32	00	00
	144	14	06	

New York the 24th Aprill 1693,
Salvi Errores
Miles florster.

The Hono^{ble} Thomas Tench Esq^r gave in the following
Acco^t Viz^t

Maryland Anno 1693.	Contra C ^r
Governo ^r Copley his Acco ^t D ^r	By bills of Exch ^a
To the Impost	said Copley re-
of 4 ^d p Gall on	mitted the Gov-
Rum paid him	ernor of New
by Thomas	York Anno, 1692
Tench by him	
appointed Re-	
ceiver	

By the ffreight of
the Powder &
Armes to New
York, Charges
there & freight
hither as p M^r
Miles florster his
Acco^t Reducing
£11 p 2 barrells
of powder lost
by the Master

Sum^e P^d is £: 110 : 03 : 03

Accot of
Pap^r dd out
wh^{ch} to be pd
by the pub-
lick

Delivered to M^r Cleybourn Lomax by his Excell-
ency, three quire of Paper to write three Coppys of
the Journall of the Assembly, and to M^r Nicholas
Crouch, at the same time, was delivered three quire
more for to write two Coppys of the late Laws on; And
Ordered that M^r Mason deliver two quire more to Henry
Denton to write two Coppys of the Journall of the Council p. 111
in Assembly vpon, for which paper the next Assembly is to
Allow.

Rec^d & made vse of the s^d pap^r accordingly.
H Denton C of Concil.

Lib. H. D. Naval Officers fees of ships Enter'd before Governr Copleys death to be stopt &c^a

Ordered that all the ships that Entered in Maryland before Governor Copleys death, that the Moiety of the Navall Officers fees be secured & stopped towards the paym^t of the Debt due from s^d Governor Copleys Estate to their Majesties.

Mr Randolph & Mr Plater Order'd to lay Claime in the Commissaries Office to sevrils on behalfe of their Mats

Ordered by his Ex^{cy} that the Hono^{ble} Edward Randolph Esq^r Deputy Auditor and George Plater Esq^r their Ma^{ties} Receiver and Attorney Generall, go down to the Commissaries Office, and lay Claime (on behalfe of their Maj^{ties}) to the aforementioned Navall Officers fees, the whole ship Anne, and what shall Appaere to be due above the Appraisem^t

Coroners Commissions sent to the severall Counties &c^a

A List of Coroners Commissions signed by his Ex^{cy} the Governor the day of 1694 which by Ord^r passed the Broad Seal and were sent to the severall Counties of the Province, as follows, Viz^t

ffor S^t Maries County
Cap^t Edw^d Greenhalgh
Cap^t Thomas Waughop
Cap^t Thomas Attoway

ffor Somerset County
Cap^t John Winder
Cap^t John King
M^r Edm^d Howard
M^r John Browne

ffor Kent County
M^r Thomas Smith
M^r John Coppage

ffor Dorchester County
M^r John Harsewood, and another
blanck sent to Coll Hutchins &
the Court to fill vp.

ffor Ann-Arrundell County
Cap^t John Worthington
M^r Thomas Odell
M^r Thomas Hewes

ffor Cæcill County
M^r John James, and another
Blanck sent to M^r ffrisby & the
Court to put in M^r Thackston in
the Room of M^r James if he hap-
pens to live in the same Division
&c^a

ffor Calvert County
M^r Thomas Greenfield
M^r Hugh Ellis
M^r John Hollins

ffor Talbot County
M^r Winchester, and two
blanks more to Coll Robotham
& the Court to fill vp.

ffor Charles County
M^r W^m Howton & 2
blancks sent to Coll Ad-
dison & Court to put in
two more in Roome of
M^r Hatton & M^r Stone

ffor Baltemore County
Three Blancks sent directed to
the Comission^{rs} of th^t County
Court, Empowering them to
make vse of as many of them as
has formerly been Accustomed
in th^t County.

fforme of the Coron^m Commission Sent to the
Severall Counties Viz^t

Lib. H. D.
p. 112

William & Mary by the Grace of God King & Queen of England, Scotland, ffrance & Ireland Defenders of the faith &c^a To of County Greeting Wee Reposing speciall Trust and confidence in your fidelity & Care do hereby Constitute & Appoint you the said to be one of the Coroners of our said County of and to Do and performe all such Acts & things as to the office of a Coroner belongeth within our said County You first having taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy as also the vsuall Oath of a Coroner & Test before the Justices of the next County Court to be held within the County afores^d (after your Receipt of this) which you are hereby Required to Do accordingly; Given vnder the Great Seal of our Province of Maryland the day of in the year of our Reign &c^a Annoq. Domini 1694.

At a Councill held at Benedict Leonard Town in Calvert County the 24th Day of Jan^{ry} in the Sixth year of the Reign of our Sovereign Lord & Lady King William & Queen Mary &c^a Annoq. Domini, 1694.

Present

His Ex^{acy} ffancis Nicholson Esq^r Command^r in Chief

The Hono^{ble} { Coll Henry Jowles
Coll John Addison
Cap^t John Courts
Thomas Brooke Esq^r }

His Excellency acquaints the Board that the Reason of calling them together at this time was the Neglect of S^t Maries County Justices in not holding Jan^{ry} Court last; therevpon produced severall Queries propounded by his Ex^{acy} to the Attorneys relating thereto for their Result and Opinion vpon the same, which were Read as follows, Viz^t

Quaries
proposed to
the Attor-
nies about
ffall of St
Maries
County
Court

January the third 1694

Whitehall

The following Quaries propounded by his Ex^{acy} to the Attorneys by them to be severally considered and their Opinion thereon Returned with all possible Expedition vnto his Excellency Viz^t

1st In case of a County Courts falling for want of sufficient Number of Justices to Adjourn the same what may be most proper & fit to be done in such a Case.

2^{dly} How the Court may be Continued and the people have Notice about the method of proceeding therein.

Lib. H. D. 3^{dly} What is to be done in case of persons in Execution or otherwise and in Criminall Matters depending where persons are bound over by Recognizance to appear &c:—

Whitehall 4^{thly} Whether it may not be advisable and to the service of the Countrey for prevention of like Accidents that a Law be made to inflict a severe ffyne vpon every Justice neglecting to come to Courts or refusing to serve when Commissionated, obliging them to sit a certain Number of hours every day and so continue siting vntill every Courts Docquet be fully cleared And that the Clerks of each County be therein likewise vnder a penalty obliged to make constant due Return of the severall ffines & fforfetures thereby becoming due vnto the Provinciaall Office in Order for the Attorney Gen^l making prosecution thereon &c: And lastly that in the said Law it may be provided for Sheriffes to summons substantiall Grand & petty Jury Men ouf of every hundred to serve at Courts.

5^{thly} What is to be done against S^t Maries County Justices who have now neglected to hold Court and against such as are not sworn & refused to take the Oaths, whether there be any Law to punish them.

6^{thly} By what Grounds of Law a person may forbid the Banns of Matrimony vpon publication made and whether in such a case if a lawfull impediment do not appear the party grieved may not bring his Action &c:

Whitehall Then produced the severall Attorneys answers thereto which were likewise Read, the Majority of them being of Opinion that all Actions & process then depending before that Court are thereby discontinued & the Commission fallen for want of adjournm^t and that by consequence a new Commission must issue.

p. 114 Proposed by his Excellency the best way to Redress this Grievance desiring the Gentlemen to give their advice therein, who make Answer their Opinion is that a new Commission must Necessarily issue & therevpon Ordered that Commission of the peace and for Tryall of Causes issue a new out of the Secretaries Office of this Province according to Usuall Custom & forme (omitting the Clause of the Amerciamⁿ the Law having given them to be disposed off as the Commissionⁿ of the County Courts shall think fit) constituting these following persons Justices & Commissioners for the said County of S^t Maries, Viz^t

Whitehall	Kenelm Cheseldyn	} Gentl of the Quorum }	W ^m Asqueth	} Gentlemen Justices }
	Henry Denton		Thomas Beale	
	Philip Lynes		W ^m Husbards	
	Sam ^l Cooksey		Ralph fforster	
	Cap ^t Thomas Attoway		Rich ^d Benton	

And that Summons likewise issue directed to the Sherriffe Lib. H. D.
of the said County to give Notice to the said Justices now
constituted & appointed that they & every of them be and
appear at the City of S^t Maries the first Tuesday in february
next in Order to put in Execution the said Commission; there
being a good Court house & convenient Accomodations for
all Suitoⁿ & others in that place.

St Maries
County
Justices
Ordered to
appear &c:
to shew
cause abt
fall of the
Court &c:

Vpon Representation Ordered by advice that the
severall late Commissionsⁿ appointed for S^t Maries
County who Neglected to come in November Court
to be sworn in obedience to the new Commission
then Read and to Meet in January Court last
(whereby the fall of the said Court has been occa-
sioned) be & severally appear before his Ex^{ncy} the Whitehall
Governor & Councill at Ann Arrundell Town in Ann Arrun-
dell County the last day of feb^r next to shew some good
cause for such their Neglect, And that they severally bring
with them substantiall Evidence who may testifye what Reason
they have to give or Excuse to make for the same And to the
End due Notice hereof may be given them, the Sheriffe of the
said County is hereby Enjoyed to serve this Order vpon each
of them respectively with all possible speed

It being Represented that abundance of hoggs Cattle &
horses &c: do dayly dye in severall parts of this province in
great Numbers by meanes of the excessive severity & sharp-
ness of Weather which hath happened this Winter season Whitehall
insomuch that it is to be feared the same may prove very
obnoxious and prejudiciall to the healths of the inhabitants &
others living within this Province if some speedy care is not
taken to Burye them, it is therefore Ordered that proclamation
be prepared pursuant thereto which accordingly was done,
produced & Read & signed by his Ex^{ncy} And afterwards p. 115
passed the Broad Seale of the Province, the Teno^r whereof
follows in these Words. Viz'

By his Excellency

A

Proclamation

Maryland ss.

Proclama-
con about
burying of
Hoggs &c:

Whereas through the Excessive sharpness of this
Winter season there hath happened a great Mortality
among swine, Cattle and horses &c: they dyeing
dayly in great Numbers by means of the extremity of Weather
& want of food, insomuch that it is to be feared the same

Lib. H. D. (lyeing so thick dead vp & down the Countrey) may occasion noisome smels and become very obnoxious & prejudiciall to the healths of the inhabitants & others living within this province vnless some speedy care be taken to burye them, for prevention whereof and to the End such speedy & due care may be taken as is meet I have (by and with the advice of their Majesties hono^{ble} Councill) thought fit to Order and Command & I do hereby accordingly Order Charge & Command all Officers Civill & Military within this Province immediately (after publication hereof made) to give Notice & directions to all and singular the inhabitants living within their severall & respective precincts round about that they forthwith cause all such persons as have hoggs or swine, Cattle or horses &c: lying dead in or about their plantations or Land to burye them out of hand a sufficient depth vnder ground To which End I likewise straitly Enjoyn all and singular the Sheriffes of this province to make publick proclamation hereof (within two dayes after Receipt of the same) in the most publick & convenient places within their severall & respective Counties willing also & requiring all persons concerned to yield due & ready obedience herevnto as they & every of them will answer the contrary at their perill.

Whitehall

Given at Benedict Leonard Town in Calvert County the 24th day of January & in the Sixth year of the Reign of our Sovereign Lord & Lady King William & Queen Mary

God Save King William & Queen Mary.

Ordered that the Burgesses of Charles County have Notice to be at the Assembly to be held at Ann Arrundell Town in Ann Arrundell County the last day of febr^y next

p. 116 Inspection of the Records &c: Ordered before Conveyed to Ann Arrundell

Ordered that Robert Mason & John Watson Esq^r together with M^r Attorney Generall, M^r Kenelm Cheseldyn, M^r Robert Carvile, M^r Charles Carroll M^r Philip Clarke & M^r Samuell Watkins Attorneys at Law meet at the City of S^t Maries the 12th day of febr^y next in Order to View & inspect the Record Books, Writings & papers lying at the State house in the severall Offices within the said City And that publick notice be given to signifye that all other persons who are minded may be there & then present, and such papers & Writings as they find to be of no great Use;

Whitehall Ordered that they bundle them vp & lay them by in some safe place and th^t Coll Darnall have Notice to be then likewise present and as to all other Records, papers & Writings,

immediate care is to be taken (after an exact List made thereof) for Removall of the same to Ann Arrundell Town in Ann Arrundell County by Land; for the better accomplish^t whereof, it is further Ordered, that the Sherriffe of each County through which the said Records are to pass take care to provide Men, horses & other Necessaries fiting to Carrye & Convey the same accordingly; and that the Clerks now intrusted & having Charge of the said Records go with them. Lib. H. D.

M^r William Dent Attorney at Law is Excused from Meeting at the day & place aboves^d appointed, by reason of some publick business which will call him away at that time.

County Court Amer- Ordered that the Commission^{rs} of the severall & Whitehall
ciam^{ts} to be respective Counties within this province dispose of
disposed off the Americiam^{ts} in their severall Courts by Law
by the imposed pursuant to the directions of the Act of
Comission^{rs} Assembly of this Province in that case made &
provided, notwithstanding a Reserve of the same to their
Ma^{ty} made in the late Commission of peace &c^a to each
County sent & directed.

At the City of S^t Maries Tuseday

ffeb^{ry} 12th 1694/5

Ordr about Pursuant to an Order of his Ex^{ncy} & Councill of
manner of the 24th of January last past severall persons thereby
Conveyance appointed to Meet at this place in Order to View
of the Records to and inspect the Records lyeing at the State house.
Ann Arrun- Mett here accordingly at the Councill Chamber. His
dell Excellency being present was pleased to propose what manner
of way would be best & safest for conveying the said Records p. 117
by Land, who made Answer that the best way of conveying
the same will be vpon horses, in bags covered with hides, and
that to go over Point Patience fferry will be the most con-
venient Road; Ordered therevpon that the Sherriffe of S^t
Maries County provide sufficient Baggs, Cordage & hides to
pack vp and put the said Records in, fit for Carriage on horse
back, as likewise take care to have a sufficient Number of
horses & Men for Guards against Tuesday next to Carrye
them to M^r Beckweths house over against Point Patience
afores^d And that the bags be Sealed vp with the Lesser Seal
of the Province, And that the Sherriffe of Calvert County have
ready at the day & place aforesaid three or four good Boats
well mann'd in Order to Transport them over Petuxant River
and there take Charge of the same and keepe strict Centinels

Lib. H. D. over them at nights to secure them from fire or other Accidents; And that the Clerks attending the same lye alwayes in the Roome where the Records are lodged; And further Ordered that when the said Records arrive at Ann Arrundell Town in Ann Arrundell County the Sheriffe of the said County forthwith deliver the said Records into the Charge & Care of the Commission^r concerned for Building the State house &c: who are to take Account off and secure the same in the most convenient place they think fit.

Ordered that the severall persons summoned be ready to Morrow Morning early to inspect & take Account off the said Records, and that M^r Wriothesley, M^r ffreeman & Stephen Blatchford be imployed in takeing the said Account in writing And that M^r Taylard, M^r Grunwin & M^r Cullen former Clerks in the Offices be sent for.

ffeb^r the 13th 1694/5

The Gentlemen in obedience to the said Order being accordingly Mett, tooke the following Account, Viz^t

p. 118

A List of the Record Books in the
Provinciall Office, taken

ffeb^r 13th 1694/5

Lib: E Records begun 2 ^d of August 1642 one leaf torn out ffol 42 & 43	200 ffol
M: M: Records begun 1672 ending A ^o 1675	639 ffol
S: Records begun 1658 Ending A ^o 1662	1192 ffol
G: Records begun 1638 Ending A ^o 1644	not ffolio'd
WC: Writ Booke 1674 Ending A ^o 1678	195 ffol
L'I: Records begun 1658 Ending A ^o 1659	not ffolio'd
G: B: Criminall Booke begun 1676, Ending A ^o 1683	186 ffol.
W: C: N ^o 2: Writ Book begun 1678 Ending A ^o 1679	143 ffol.
N: N: Records begun 1673, Ending A ^o 1676	77 ffol.
G: G: Record Books for Bonds & Docquets begun 1661, Ending 1664	
HW: M ^r Brittans Book begun 1662, Ending 1663	not ffolio'd
TL: Paper Book of Protests, 1669 Ending 1684	not ffolio'd
K: K: Book in Quarto 1665 for Entering Ships	
A: A: Record begun 1664 Ending 1677	not ffolio'd
D: D: Record Book begun 1691 not ffolio'd	

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H: H: M ^r Tulls Book of Records, 76 ffol want- ing in Lib: S: S: & begining ffol 77, A ^o } 1686, Ending A ^o 1689	209 ffol	Lib. H. D.
Z: Book of Protests A ^o 1663 Ending A ^o 1674	95 ffol	
R: T: Record Book begun 1688	85 ffol	
S: S: Record Book begun 1688	76 ffol	
WT: Special Record A ^o 1692 being the Tryall of Abigall Kemball & others		
D: S: N ^a Record Book begun 1684 Ending A ^o 1686	623 ffol	
H Journalls of Assembly Anno 1650, Ending A ^o 1672		
W: C: N ^o 3: Writ Book Anno 1680 Ending Anno 1682	375 ffol	
I: G: Record Book A ^o 1683, not ffolio'd		
E: E: Record Book A ^o 1665 Ending A ^o 1669	798 ffol	
Z ^a Z ^a Record Book A ^o 1675 Ending 1679	904 ffol	
W: C: N ^o 1 Record Book A ^o 1679 Ending 1684	911 ffol	
B: B: Record Book A ^o 1663 Ending 1664	524 ffol	p. 119
I: I: Record Book A ^o 1669 Ending 1673	493 ffol	
I: L: Book of Summons A ^o 1686 Ending 1693		
B: B: Writt Book A ^o 1667 Ending 1674	162 ffol	
D: S: Record Book A ^o 1692 Ending 1693	412 ffol	
E: B: Writt Book A ^o 1685 Ending A ^o 1694	203 ffol	
D: S: Writ Book A ^o 1686 Ending A ^o 1689	34 ffol	
WH: Book of Laws		
W: C: Conveyance Book A ^o 1676 to the year 1694	699 ffol	
C: B: Chancery Book begun 1668 to 1671 old & broken	581 pages	
P: C: Chancery Book with Clasps, begun 1671 Statutes at Large		
Copey Henry Wriothsesley Clk		

A List of the Land Records taken

Eodem die & Anno

- A: Provinciall & Lands, Anno 1646 to 1650
- B: The same and an Alphabet to both Books 1651-52-53.
- F: Records of Lands from 1640 to 1643.
- H: Entry of Lands from 1650 to 1655
- I & K: Burles 2 books of Rights from 1649 to 1657.
- Q Lands 1658
- R: Lands 1659
- X: Lands 1661 & c^a to 1663
- A: A: Lands 1663

Lib. H. D. C: C: Lands 1664 & 1665

D: D: Lands 1665

E: E: Lands 1665 & 1666

F: F: Lands 1667

G: G: Lands 1667 & 1668

H: H: Lands 1668 & 1669

I: I: Lands 1669

R: M: Lands at the Whore kill 1670

K: K: Lands from 1670 to 1672

W: T: Lands from 70 to 72.

M: M: Lands from 1672 to 1675

p. 120 L: L: Lands from 1673 to 1678

W: C: Lands from 1675 to 1680.

W: C: N° 2: Lands from 79 to 80.

C: B: N° 2: Lands from 80 to 82.

C: B: N° 3: Lands from 82 to 83.

S: D: N° A: Lands from 83 to 84.

WC: N° 3: — 1680

WC: N° 4:

WC: N° 5: 1681

S: D: N° A: 1683 to 1685

N: S: W: B: 1685

N: S: N° 2. 1685.

I: B: N° C: 1684.

D: S: N° B: 1686.

D: S: N° A:

D: — Book of Instructions.

L: — 1656, 1657.

W: D: — Patent book 1689.

In the Book of Instrnctions the first ffour pages torn out.

In Lib: G: G: the two first pages torn.

In Lib: R: the first leaf torn out.

In Lib: F: from fol 91 to ffol 101 wanting

In Lib: H: the first leaf torn out.

In Lib: K: the first leaf torn out.

In Lib: F: F: from fol 176 cut out.

In Lib: B: one part of the leaf in ffol. 189 torn

In Lib: A: the first leaf torn out, and in the same Book from ffol 18 to 23 torn out, in Ditto A: from fol 122 to 125 wanting in Ditto A: from ffol 276 to 279 wanting in Ditto ffol 283 & 284 wanting; The whole contains 400 pages.

In Lib Q: 1658 the first thirteen leaves loose & torn at the top.

Cop: p Henry Wriothsesley Clk.

Maryland ss:

Ann-Arrundell ffeb^{ry} 28th 1694/5 Lib. H. D.

Provl Clerks
Return about
safe convey-
ance of the
Records &c^a Pursuant to an Order of his Ex^{cy} ffrancis Nichol-
son Esq^r Governor and the hono^{ble} the Councill of
the said province, Convened at S^t Maries on the 24th
of January last past appointing severall persons (best p. 121
qualified to that purpose) to inspect the Records lying in the
State house at S^t Maries, on the 12th of this instant ffeb^{ry} and
to propose & Resolve vpon the best ways & Methods for the
Removall & conveyance of the said Records; Wee whose
Names are Underwritten do hereby Testify & declare. (as
well for the satisfaction of his Excellency & Councill and the
Burgesses & Delegates of this Province, this day assembled
at this Town of Ann Arrundell, as of all other persons whom
it may concern) that Whereas the said Records (according to
a List or Catalogue of the same, taken and made out by the
severall persons appointed as aforesaid, an Authentick Coppy
whereof is in the hands of M^r Henry Denton Clerk of the
Councill) were on the 19th of this instant by the Order &
Authority of his Excellency & the hono^{ble} Councill committed
& Given to our Custody & Charge in Order to be Conveyed
to this place; Wee have without any damage, loss or prejudice
safely brought all and every the said Records to this Town of
Ann-Arrundell and delivered and placed the same as by the
aforesaid Order is directed; In testimony whereof Wee have
herevnto set our hands this 28th day of ffeb^{ry} 1694

Henry Wriothlesley
John ffreeman

On the back of the said Return was thus written

By his Ex^{cy} the Governor & Councill
ffeb^{ry} 28th 1694

Ordered that the within Return be Recorded in the Journall
of the House of Burgesses and then Returned to this Board
together with the Lists of the Records this day sent.

Signed p Ord^r

Hen: Denton C of Concil

By his Ex^{cy} the Governo^r & Councill in Assembly.
March 1st 1694.

Order for in-
specting the
Commissary
Records &c^a Ordered that the persons formerly appointed to
inspect the Secretaries Records, do inspect the Com-
missary Records likewise and that they Meet at S^t p. 122
Maries the 15th day of April next for the said End & purpose

Lib. H. D. and Cause the same to be Conveyed on horse back in the same bags which the others were Conveyed in, together with the loose papers.

Hen: Denton C of Concil.

Aprill 15th 1695.

Mett accordingly

The Hono^{ble} Kenelm Cheseldyn Esq^r Commissary

John Watson Esq ^r	}	Mr Thomas Grunwin	}
George Plater Esq ^r		Mr James Cullen	
Mr Philip Clarke		Mr W ^m Bladen	
		Stephen Blatchford	

Who together with Henry Denton Clerk of their Ma^{ty} hono^{ble} Council took the following Account Viz^t

A List of Records belonging to the Office for Probat of Wills & Granting Administrations &c^a taken the 15th day of Aprill 1695 by the Gentlemen therevnto appointed by the Governo^r & Council

- Impⁿ N^o 1: A Book of Administracōns from the year 1638 to the year 1642 of the Generall Assembly Anno 1637, Commissions &c^a in this book from fol 5 to 27. leaves torn out.
- 2: A small book of Administracōns for the year 1657 P: C:
- 3: Another book of Administrations p Anno 1659 N
- 4: A book of Wills & Inventories p Anno 1660 & 1662 M.
- 5: Another book of Wills, Inventories &c^a Annis 1662 & 1663 T
- 6: Another of Ditto for the year 1664 & 1665 W
- 7: Another for the year 1665.
- 8: A Book of Entry of Wills, Inventories &c^a for the years 1666, 1667 & 1668 marked H.
- 9: A book of the same for 1668 & 1669 wrong folio'd in severall places and Marked H H.
- 10: A book of Wills & Inventories 1670, 71, 72, 73, 74 Marked T T.
- 11: Proceedings in Testamentary Causes Annis 1674 & 1675 P C
- 12: Proceedings in Testamentary Causes, Anno 1675 to 1678 marked P: C
- 13: Records of Administracōns & Returns for the year 1675.
- 14: Ditto for the year 1676.
- 15: Ditto for the year 1677
- p. 123 16: Testamentary Proceedings 1678.
- 17: Ditto for the year 1679.
- 18: Records of Administracōns, Returns with other Testamentary Proceedings, Anno 1680

- 19 & 20: Records of Administracōns & Returns with other Lib. H. D
 Testamentary Proceedings containing first, second & third
 Books, all vnder one Cover for the year 1682 | ^x in
 which Book is six sides of William Taylards Writing
 Ordered by the Judges to be a Record. A° 1684 & 1685
- 21: Testamentary proceedings, A° 1682 to 1687. in fol 62 the
 next fol is 167. ^x
- 22: Testamentary Proceedings begining A° 1687 and con-
 tinued to ffol 157 in the year 1689.
 Proceedings in the same Book marked on the other side E A
 Recorded to the 7th of Jan^{ry} 1692 and no further Enter'd
 in that Book vntill the Date of M^r Cheseldyns Commis-
 sion being the 2^d of Octob^r 1693
- 23: Proceedings Annis 1693 & 1694 K: C:
 N° 1 A book for Recording Inventory's & Accounts, begining
 A° 1674 Ending in ffol 595 A° 1675
 II: Ditto for Inventorys & Acco^u A° 1676
 III: Ditto for the year 1676 & part of 1677
 IV: Ditto for the year 1677
 V: Ditto for year 1678
 VI: Ditto for the year 1679.
 VII: Ditto for the year 1680.
 VIII: Ditto for the year 1681.
 IX: Ditto for the year 1682.
 X: Ditto for the year 1662, 83, 84, 85 & 86.
 XI: Ditto for the year 1686, 87, 88.
 XII: Ditto for the year 1688 & 1689.
 Inventory's & Accounts in the same Book marked on the
 other side E from fol 1 to fol 35 A° 1692
- XIII: Ditto for the year 1693 K: C:
 XIII: Ditto for 1693, K: C: to fol 249
- N° A: A Book for the Entry of Wills, Administracōns &
 Inventory's Appraisem^{nt} &c^a for the years 1670 & 1671
 B: Ditto beginning A° 1670 & Ending in 1673 TW
 C: Ditto 1673 to 1675 P: C
 A: A Book for Entry of Wills 1676. 1677
 B: Ditto for the year 1678.
 C: Ditto for A° 1679
 D: Ditto for 1680
 E: Ditto for A° 1681
 F: Ditto for A° 1682
 G: Ditto from the year 1682 to 1688, from fol 349 to fol 354
 leaves wanting.
 H: Ditto from 1688 to 1689 Ending in fol 66 for Entry of
 Wills &c^a and marked on the other side E N° 1: Ending
 in ffol 51. A° 1692:
 N° I:—K: C: for Wills & Testaments, A° 1693, 1694.

Lib. H. D. Memorandum Wee find nothing Enter'd in the Office for Probat of Wills &c^a from the 13th day of July 1689 to the 14th day of June 1692, all Matters belonging to that Office supposed to remaine in the County Courts of this Province during that intervall And further th^t no Business is Enter'd in Coll Blackistons time save about Seaventeen Inventories.

Memorandum there is a strong Wooden Chest here in the Commissaries Office & no key to be found, which Chest his Excellency Governor Nicholson Ordered to be sent vp to Ann Arrundell Town without being Opened.

True Coppy p

J Bouye Register

There was a List likewise taken of all Bonds passed in the said Commissaries Office, Coppy of which said List Remains here lodged among the Councill papers

List of Councill Books &c^a A List of Councill Books & Papers remaining lodged with Henry Denton present Clerk of their Ma^{ty} hono^{ble} Councill, taken the 19th day of Aprill

A^o 1695 Viz^t

H: H: Anno 1651

R: R: from the year 1671 to 1683.

C: B: Councill Book for Lands, A^o 79, 80, 81, 82, 83.

C: B: N^o 1: Councill Book for Lands A^o 83, 84, 85, 86.

Councill Book 1670.

HD: N^o 1: Councill proceedings

HD: N^o 2: New Book begun for Councill Proceedings, being this very Book. A Bag of Councill Paper & Proceedings commenceing from the time of Governo^r Copleys Arrivall & continued vntill his death, remaining still vnenter'd vp M^r LLeuellin being Clerk at that time.

Hen: Denton C of Concil

p. 125 Capt Edward Burgess Deposition abt Delivery of Armes & Ammunition &c^a The Deposition of Edward Burgess Gentl of Ann Arrundell County sworne Saith that on the Eleaventh day of November in the Yeare of our Lord 1689 the Deponēt Received of Doct^r Mordecay Moore ffourty & ffive Musketts Belonging to the Magazine of the said County Whereof ffour of them Wanted Locks & also Received of the said Doct^r one hundred & Sixty pounds weight of ball & shott And likewise ffifty Six pounds of Powder whereof y^r Deponent Delivered to the Ord^r of Cap^t Richard Hill, Thirty & nine of the said Muskets and all the abous^d Ammunition Excepting about six pounds of Powder and about seaven or Eight pound of Shot, (wth the other Six Muskets to make up the full number of the aboues^d 45: w^{ch}

was Comanded out of my hands by Maj^r Nicholas Sewall & Lib. H. D.
out of those thirty & nine Muskets that was sent as abovesaid
to Cap^t Hill your Deponent Received back but Thirty & one
& four of the said Number Wanted Locks and sometime sence
the s^d thirty & one Muskets by the Ord^r Coll Nicholas Green-
berry your Deponent hath delivered into the Custody of Cap^t
Nicholas Gassaway And further Your Deponent sayeth not
May the 13th 1693 Edward Burges

Jurat Coram Nos

Thomas Tench
John Addison

Capt Hol- I doe acknowledge to have received of Cap^t
lands Re- Thomas Morgan by order of Coll Nicholas Green-
ceipt for 24 Muskets berry Twenty four Muskets belonging to the
Magazeen of Ann Arrundell County. As witnes my hand the
15th day of April 1693:

W^m Holland

March the 25th 1693

Capt Boones Rec^d then of Nicholas Greenberry Twenty & Six
Receipt for Muskets Muskets Belonging to the Publique Magazine of
26 Muskets this County of Ann Arrundell w^{ch} I doe acknowledge
my Selfe to be Accomptable for the said Armes; when there-
unto Required Witness my hand

Humphrey Boone

Maryland ss. Ann Arrundell County March the 4th day 1692 p. 126

Capt Gassa- Rec^d then of Nicholas Greenberry Thirty & Three
way Rec^d Muskets and Thirteene Cartouch Boxes; and one
for Muskets &c Barrell of Gun Powder & contents one hundred
&c pounds Neat powder, all w^{ch} p^rerty doth belong to the Publick
Magazine of this Province, and I doe Oblidge my Selfe to be
Accomptable for all the particulars as aboue Mentioned when
thereunto Required. I say Rec^d

p Me Nich: Gassaway

Baltimore County ffeb^r the 22th day 1692

Mr Richard- Red^d then of Nicholas Greenberry Twenty Eight
sons Rec Muskets; & two Carbines and Twenty Pounds of
for Armes Powder and one hundred & Three pounds of Shott
& Amunicon &c Belonging to the Publick Magazine & do oblidge
my selfe to be Accomptable for the said Armes & Amunicon
when thereunto Requiered. I say Rec^d p me

Thomas Richardson

Lib. H. D.

Baltimore County March the 18th day 1692

Majr Thomas his Rec^d then of Nicholas Greenberry seaventy two pounds of gun powder Seaventy Seaven pounds of Shott & Bullets & fifteen old Musketts all belonging to the publick Magazine of the aboue said County, and I doe Obleidge my selfe to be accomptable for the said armes and amunicon When therevnto Required. I say Rec^d p me

John: Thomas

July 28th 1692.

Majr finney's Rec^t for 2000^l Ball Then Rec^d of his Ex^{acy} Lionell Copley Esq^r Cap^t Generall &^{ca} the quantity of one thousand Muskett balls and one thousand Pistoll balls, for the use of Talbott County in their Ma^{ty} Service. I say Rec^d p me W^m finney

Coll Browne's Acct of Powder & Ball &^{ca} An Accto^t of Powder & balls in the Custody of David Browne in Somerset County To neare the quantity of 25^l of powder To neare the quantity of 250^l of Shott David Browne

Maryland ss. October the 16: day 1693

Coll Browne's Rec^t Attestacon of the Loss of a barill of Powder Rec^d then of Coll Nicholas Greenberry one barrell wth Gunpowder one hundred & twelve pds grose of the Publick Magazine of this Province, w^{ch} I doe Obleige My selfe to be Accomptable for the said Quantity when thereunto Required I Say Rec^d p me David Browne

The abouesaid Barrell of powder was lost the 19th day of Instant October in my shallop at Poynt Lookout Witnes My hand David Browne

p. 127 A List of Severall Letters and Papers Recd from M^r Llewelin by Henry Denton present Clk Ordered to be Entered and are as follows Viz^t

List & Rec^t for Severall Letters & Papers &^{ca} Recd from M^r Llewelin Lett^r from the Govern^r of New Yorke Dated 27th of July 1693 wth his Receipt for Bills of Exchange for 362^l sterl from Govern^r Copley. Another Letter Dated the 29th of July: 1693 from the Govern^r of New Yorke.

Lett^r Dated the 25th day of July 1693 from Peter Shuyler Merchant in New Yorke

Examinacōn of the Indian Jurian, the Maquass Indian at Albany the 25th of July 1693

Letter ffrom the Governo^r of New Yorke July 27th 1693 Lib. H. D.
Articles of Peace wth the Empero^r of Piscattoway King of
Mattawoman and King of Chapticoe
Lett^r from S^r Edmond Andros Dated 25th of August 1693
Pet of S^r Thomas Lawrence
Report of Committee of Trade and Plantacōns upon the
said S^r Thomas's Case
Queens Lett^r Octob^r the 11th 1692 concerning a Supplye &
aid for New Yorke
Kings Lett^r first day of March 1692: Ord^ring 250ⁱ Supply
to New Yorke
Copy of Audito^r Gen^l Pattent
Queens Lett^r Concerning Bulke Tobacco
Lord Baltemores Pet
Lett^r from M^r Pouvy 18th of March 1692
Copy of Sollicito^r Gen^l Report upon Representacon of
the Assembly touching the Lord Baltemores Demands
M^r Knights Report touching the 12^d p hhd: and the 27:
Ships that went away without Clearing Anno 1690
L^d Baltemores Warr^t for 465^l 19^s d to be paid out of the first
Import
Money from Ships not Cleared in the yeare 1690
Queens Lett^r 16th August 1692 concerning an Act past in
Virg^a for appointing of Ports
Acco^t of the Reasons ab^t Prohibitting of Bulke Tobacco in
Virg^a
Virg^a Act for Settling of Ports &^{ca}
Report from the Comission^{rs} of the Custome house upon
the Virg^a Act concerning Townes and Ports.
Report upon Certain Laws passed in the Assembly of Virg^a
Report Upon an Extract of Coll Copley Gov^r of Maryland

September 28th 1693

Delivered to M^r LLewellin a Copy of the Aforementioned p. 128
Letters & Papers wth a Receipt for the same

Hen Denton C of Concil

Afterwards given Receipt for
the Govern^{rs} Comission & Instruccōns }

Maryland ss:

Octob^r the 13th 1693

Coll Her-
mans Rec^t
for powder
& attesta-
tion thereon
&ca

Recd then of Nicholas Greenberry one Barrell of
Gunpowder by Contents one hundred pounds out of
the Publick Magazine of this Province for the Coun-
treys Service w^{ch} I doe oblige my selfe to be accompt-
able for the said Barrell of powder when therevnto

Required I say Rec^d p me

Casp^r A Herman

Lib. H. D. On the Back of the aboues^d Receipt was thus Endorsed Viz^t
These are to Certefie that I have given One Other receite to
M^r Harper for the same Bar^{ll} of Powder upon receiving the
same And the s^d Bar^{ll} Powder in A Shallop by distress of
Weather was dampnified & was fit for no service
p Casp^r A Herman

An Acco^t of what things Coll Harman has

List of w^t
things dld to
Coll Her-
man &ca

- 2 Bibles
- 1 Prospective Glass
- 1 Dark Lanthorne
- 1 Pockett Compass
- 2 Bookes Called the Duties of Man
- 2 Bookes of Common Prayer
- 2 Bookes of Church Catechism
- 2 Bookes of Christian Religion
- 2 Bookes of Marshall Discipline
- 3 Bookes of the Articles of Warr

Casp^r A Herman

p. 129 August the 20th 1694

Maj^r Thomas Recd then of Nicholas Greenberry by the Ord^r of
Rec^t for his Ex^{ncy} the Govern^r and for the Use of the Rangers
Bookes & other In- of Baltemore County when they shall be Required
strum^{ts} p To Range out upon Publick Service for the Better
Rangers &ca discovery of any Approching Enemy makeing their
Inroades into this Province of Maryland, w^{ch} is as followeth
Viz^t Two holy Bibles; Two Bookes of the whole duty of Man,
Two Bookes of Catechism, and one Booke Titled a Brief dis-
course Concerning the Worshipping God &^{ca} also One Lan-
thorne, one Brass Compass and one Prospective Glass all w^{ch}
said Instrum^{ts} are to be Converted to the p^rper Vses as above
said when Occasion for the same I say Recd the day & Yeare
as abouesaid p me John Thomas

Testis

Thomas Richardson
Sam Smith 1694

John Oldtons Whereas his Ex^{ncy} the Governo^r at a Council held
Choyce of feb^{ry} the 28th day 1694 was pleased to nominate &
Rangers ac- appoint one John Oldton to have the Conduct &
cording to Charge of Six Rangers for Baltemore County and
Ord^r of Gov^r in the said Six men to be Raised by me, for the service
Councill &ca of Ranging; & th^t the Names of the said persons to be Given

into Nicholas Greenberry ffor his Approbation Therein, And Lib. H. D.
in Obedience to the aboues^d Order I doe present vnto the said
Greenberry these persons hereafter Named; Daniell Welsh,
Henry King, Thomas Robards, Tobias Stanberry, Josias
Bridges & Mosses Edwards; All Inhabitants & house keepers,
in the abovesaid County of Baltemore; In Testimoney of all
and singular the Premisses abouesaid I doe hereunto subscribe
my name this 23rd day of March Annoq. Dom 1694/5

John Oldton

Coll Green- And whereas I am well sencible th' the Six men
berrys Ap- as aboue Named are well quallified p'sons & good
probacōn of
Rangers &c^a woods men & fit to be Imployd in Ranging for the
Publick Service of this Province as Witness my hand the day
and yeare as above Written

Nich: Greenberry

March the 23^d 1694/5

Mr Oldtons Rec^d then of Nicholas Greenberry By the Order
Rec^t for of his Ex^{acy} the Govern' for the publick Service and
Gun Locks of his Ex^{acy} the Govern' for the publick Service and
&c^a for the use of the Rangers To be Raised in Balte-
more County as aboue s^d y^{is} six Gunn Locks wth Eighteen
screw pins, & six hatchets and doe Obleige my selfe to be
accomptable to his Ex^{acy} for the same when Thereunto
Requiered. as Witness my hand the day & yeare aboue Written

John Oldton

October the 9th 1694

P. 79

Coll Cour- Coll Coursey
seys Accot Sayeth that in the L^d Baltemores time he had 100
of Armes &c^a Armes put in his hands, of wth Maj^r Ringold of
Kent County had fifty whereupon in some time after by vertue
of a Warrant from Coll Darnall the said Armes was taken
from me & Maj^r Ringold by Edward Swetman Sherriffe of
Kent County

Henry Coursey

Septemb^r the 15th 1694

Maj^r Ennals An Acco^t of what Muskets & Bullets are Lodged
acct of Arms in the hands & at the house of Thomas Ennalls As
& Amunicōn followeth Thirty & Three Muskets & one hundred
&c^a & nine pounds of bullets A true acco^t

p me Thomas Ennalls

Lib. H. D. Coll War-
rens Acct &
List of
Armes &
Amunicōn
Taken from
Matapony

Guns or fflowling peices disposed of as follows Viz'

To John Sheeles	1
To John Kirke	1
To John Piper at John Wilders in Cha: County	1
To Martin Portwood	1
To ffrancis Bowyers	1
To Edw: Goodday	1
To Charles Carpenter	1
To M ^r John LLewellin	1
To John Hoskins	1
To John Bayly at Clements Bay	1
To Richard Clouds	1
To John Turling	1
To John Graves	1
To Joseph fflowler	1
at my house unfixt & out of Ord ^r about	18
The Rest Imbezelled plundered & stollen	<u>32</u>

An Acco^t of Publick Amunition

from Mattapany 4 barrells of Powder
from thence ab^t 3000^l of Shott
from thence found Afterwards plaistered up in the Wall ab^t
3000^l of Shot more Prest from M^r Husseyes in Cha: County
100^l of Powder of w^{ch} made use of and Delivered

Husseys Powder used in Charles County

p. 131 dld M^r Edmondson & the Burgesses of Talbot Co: one bar^{ll} of
Powder

To Maj^r Cambell 2 ba^{ll} of w^{ch} Dld Coll Brown of Sumersset $\frac{1}{2}$
a bar^{ll}

To Cap^t Dent 2 litle Runletts

off the 6000^l of Shot Delivered

To Coll Browne S ^r	600
To Coll Coleborn	100
To Cap ^t Mitchell	200
To Maj ^r Beale	<u>500</u>
To Cap ^t Dent about 50 Bulletts }	
To Coll Warren ab ^t 100 Bulletts }	

An Ac^t of Publick Armes

Brought from Mattapany to S ^t Maries Muskets	194
In the State house Musketts found	51
Now at Thomas Beales of Musketts found at Coll Diggs	22
In all Musketts	<u>267</u>

one fixt Brass blunderbuss	I Lib. H. D.
one old Iron Blunderbuss w th out a Lock	I
Guns or fowling peaces	29
Carbines Brought from Mattapany	118
In all Blunder Busses Carbines Muskets & Gunns }	149

Carbines Disposed of Viz^t

To Coll Warren for Charles County Troope	25
To Cap ^t Courts More to himselfe	I
To Maj ^r John Cambell for Poplar hill Troope	21
To Coll Warren More for Charles County Troope	5
To Maj ^r Beale for Cap ^t Brightwells Troope	25
To Maj ^r Beale one More	I
To Carbines Stollen	2
To Cap ^t Blakistons Troope	32
Carbines at my house unfixt & w th out Locks	6
	118

Musketts disposed of Viz^t

To Cap ^t Attaway Comp ^a	30
To Cap ^t Greenhalgh Comp ^a	50
To Cap ^t Mitchells Comp ^a	50
To Kent County being their owne Armes	50
	180
To Cap ^t Dent	25 p. 132
To Coll Jowles for Cap ^t Biggers Comp ^a	20
at my house unfixt & out of Ord ^r about	20
	245

The two Blunderbusses at my house

To Cap^t Courts about 10 Bullets

To Cap^t Addison 100 Bullets

Severalls delivered of powder & shott to the Souldiers
upon every March wth were not returned

The Rest of the Shott remains in my house in Charge

Coll Warren

Powder Remaining is

At my house one barrell & halfe

At Maj^r Cambells a barrell and ab^t a halfe more

At Cap^t Blackistones 60^l pres^t from W^m Barton of which about
4^l was used the last March

A Barrell & halfe of Powder at my house to be Delivered to
Coll Warren

One barrell of Ditto at Coll Blackistons 100^l

This is a True Coppy sent me by Cap^t Coode when he
went for England

Hum Warren

Lib. H. D.

September 15th 1694/5

Coll Warrens Accot of Armes & Amunicōn &c^a Acc^t of Armes & Amunion in Coll Warrens possession as Returned by him vnder his hand; Vide his List of Soldiers

One Barrell of Powder

About 20^l of powder in another Barrell

Six pound of Bullets

2 Unfixt Countrey Muskets

1 Unfixt Carbine

True Copy taken from off the
aboue Mentioned paper

Hen Denton Clk Council

p. 132 Coll Coods An Account of Publick Armes & Amunion
Accot of Armes & Amunicōn &c^a Delivered vpon the Surrender of the State house and Mattapany 1689

At Mattapany Musketts	194
-----------------------	-----

At the state house Muskets	51
----------------------------	----

At Mattapany Carbines	118
-----------------------	-----

In all Carbines & Muskets	363 bar ^{ls}
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Powder

At Mattapany barrells	4
-----------------------	---

More bought a barrell & 1/2	1 1/2
-----------------------------	-------

Shott

At Mattapany about	6000 ^{lb}
--------------------	--------------------

Armes Distributed Musketts

To Cap ^t Attaways Companys	30
---------------------------------------	----

To Cap ^t Greenhalgh	50
--------------------------------	----

To Cap ^t Mitchell	50
------------------------------	----

To Kent County	50
----------------	----

To Cap ^t John Dent	25
-------------------------------	----

To Coll Sowles for Cap ^t Biggars Camp ^a	20
---	----

At my house when I went to England unfixt } some w th out Stocks some w th out locks }	20
---	----

245

Carbines

To Coll Warren for Charles County Troope	25
--	----

To Cap ^t Courts to himself	1
---------------------------------------	---

To Coll Warren for Ditto troope More	5
--------------------------------------	---

To Maj ^r Cambell for Popler hill Troop	21
---	----

To Maj ^r Beale for Cap ^t Brightwells	25
--	----

To Maj ^r Beale more	1
--------------------------------	---

Carbines Stollen	2 Lib. H. D.
To Cap ^t Blakistons Troope	32
Carbines Left at my house unfixed & w th out locks	6
	<u>118</u>
Musketts & Carbines in ^{all}	<u>363</u>

Powder Distributed

To Talbot County 1 barrell	1
To Maj ^r Cambell	1 1/2
To Coll Browne	0 1/2
Coll Warren	1 1/2
	<u>4 1/2</u>
	in all

Shott Distributed

To Coll Browne	600 p. 131
To Coll Coleburne	100
To Cap ^t Mitchell	200
To Maj ^r Beale	500
To Coll Warren	200
To Cap ^t Addison Ord ^r	100
To M ^r Blakiston by Gov ^r Copleys Order	3648
	<u>5348</u>
Shott dld Severall times in small pcells ab ^t	200
The w th in Acco ^t is Just	<u>5548</u>
	Jn ^o Coode

October the 5th 1694

Cap^t Russell Rec^d then of W^m Harpham by the Order of the
 hon^{ble} S^r Thomas Laurence 19 Muskits well fixt for
 Maj^r Cambells Company in the Redgment of ffoot
 Comanded by the hon^{ble} S^r Thomas Laurence I say Rec^d p me
 his
 Edward ER Russell
 Marke

Sn^t Maries

22th October 1694

Coll Hutch- Recd of S^r Thomas Laurence nine Runletts of
 ins his Rec^t Powder weight unknowne (viz^t five for Dorchester
 for Armes & County & four for Somerset County, and also
 Amunicōn twenty & seaven Musketts, fifteen for Somersett
 for Dorset & Somerset & Twelve for Dorchester and two parcells of Shott
 Cōm Witness my hand: Char Hutchins

210 *Proceedings of the Council of Maryland, 1694-97.*

Lib. H. D. Mr Guithers Rec^d this 22th of October 1694 of the hon^{ble} S^r
 Rect for Thomas Laurence Baron^t Sec^{ry} of Maryland six bar-
 Armes & Amunicon rells of powder Eighteene Musketts & a proporcon-
 for Talbot able quantity of ball for the vse of Talbot County I
 County say rec^d

p me W^m Guyther

March 11th 1694

Tho: Parkers Then Rec^d of John Evans Seaven barrills of Pow-
 Rect for der Marked C: I: N^o 1: 2: 3: 4: 5: 6: 7: and to be
 Powder for delivered unto Coll Herman in Cæcil County
 Cæcill County to be I say rec^d p Me Thomas Parker
 did &ca

p. 135 Coll Addi- Honrd S^r
 sons Lettr to I have sent the Bearer Geo^r Dent for the Tenn
 S^r Tho Laur- Barrells of powder and Twenty four Musketts &
 ence for Dld of Armes & the Shott as M^r Low hath divided it for our County
 of Armes & Amunicon to of Charles Being now goeing up wth my Shallope.
 Geo: Dent S^r Deliver them as they are Marked in Margent;
 Powder C H haveing not further to Ad onely Wishing yo^r good
 Armes Ch health & Safe Voyage I am
 County writ on
 Shot in a Y^r Hon^{rs} most humble
 Casque Serv^t Comd
 John Addison

Oct^r 22^d 1694

October the 22th 1694

Geo Dents Recd of the hon^{ble} S^r Thomas Laurence by ord^r of
 Rect for his Ex^{ncy} the Govern^r Ten Barrells of Powder a small
 Armes & quantity of Shott & Twenty four Musketts to the
 Amunicon County of Charles Rec^d by me
 for Cha Henry Wriothsley Geo Dent
 County p
 Coll Addi-
 sons Order

Coll Coods Rec^d of M^r John Evans three bar^{lls} & a piece, of
 Rect for powder for S^r Maries County's Magazine this
 powder Seaventh day of March 1695

Jn^o Coode

April the 26th 1695

Joseph Ed- Rec^d of Will^m Prise eight barrells of Gun powder
 loes Rect sent by M^r Henry Denton by the Ord^r of his Ex^{ncy}
 for powder the Governo^r for their Ma^{ty} Service I say Rec^d by me

Joseph Edlo

Sn^t Maries, Aprill 26th 1695

Lib. H. D.

Ord^r to M^r Josephs
Josephs abt
powder and
his Rec^t
thereon &ca

M^r Josephs
S^r

You have herewth sent Eleaven Barrells of Powder
Eight whereof are design'd for Ann Arrundell
County & the other three for Kent, the w^{ch} I hope will be so
kind as see placed in some secure Room vnder lock & key for
their Ma^y Service, and give the Bearer a Receip^t of y^r Taking
the same into your Charge, wherewth you Need not feare to
be long troubled I rest

S^r Yo^r very humble Serv^t

To W^m Josephs Esq^r }
at Mattapany in petux^t }
These

Hen Denton

This done by Ord^r of his Ex^{ncy}

On the Back of the af^d Ord^r was the following Rec^t Viz^t
Aprill 27th Rec^d the wthin Mencōned Eleven Barr^{ls} of powder
by me

W^m Josephs Jun^r

A List of Bookes Dl^d relating to Millitary affaires
wth rec^t for the same as follows Viz^t

p. 136

Maj^r Kings
rec^t for
Bookes &ca

Recd 2 Bookes Viz^t one of Military Discipline &
the other of Exercise of ffoot as Witness my hand to
be delivered to Coll Browne

Robert King

ff: White-
horns rec^t
for Bookes
&ca

Recd two Bookes for Coll Thomas as Witness
my hands

ff Whitehead Sub Sffe

Mr Pollards
rec^t for
Bookes &ca

Recd Two Bookes for Coll Hutchins as Witness
my hand

John Pollard

Mr Smiths
Rec^t for
Bookes &ca

Recd 2 bookes for Coll Robotham & 2 for Kent
as Witness my hand

Rob^t Smith

Maj^r Ham-
monds rec^t
for Bookes
&ca

Rec^d Two Bookes for Coll Greenberry as Witness
my hand

Jo^s Hammond

Lib. H. D. Mr Carvill Rec^d 2 Bookes for Coll Herman as Wittness my
Rect for hand
Bookes &ca

John Carvill Sher.

Cap^t Dent had Two
Coll Cood had Two
Coll Jowles had Two

Tho: Reynolds Rect^d from his Ex^{cy} ffancis Nicholson Esq^r Cap^t
nolds Rect for Gen^l & Govern^r in Chiefe of their Ma^y Province of
for Tomahockes to his Maryland Six Tomahockes wth Six Gun Lockes &
Ex^{cy} &ca 18: Scrue Pins belonging to the said Locks for the
Rangⁿ as Wittness my hand This first day of March 1694/5
Thomas Reynolds

Tho Colliers Rec^d from his Ex^{cy} ffancis Nicholson Esq^r Cap^t
rect for Gen^l & Govern^r in Chiefe of their Ma^y Province of
Tomahauks &ca Maryland Six Tomahauks wth Six Gunlocks & 18:
Scrue Pins belonging to them for the Rangers as Wittness my
hand this 1st day of March 1694/5 Tho: Collier

March the 1st 1694/5

Mr Wriothesslys Rect^d into the Secryes Office from M^r Henry Den-
ton the Journall of the Councill in Assembly begun
for Journall & held at Sn^t Maries the 20th day of Sept^r I say
of the Coun- Rec^d p me Henry Wriothesley
cill in Assembly

p. 137 An Acco^t of the Six Setts of Bookes the Bishop of London
sent & where they are & to whome Deliverd to

List of Bookes how to Richard Smith Vestreyman of Christ Church in
dispos^d off Petuxent 1 Sett.

Ord^d To Walter Smith Vestrey man of
Church newly Built in the ffreshes of Petuxent where M^r Hull
intends to preach but as yet Tho: Tasker has that Set of Bookes

To Tho: Holladay Vestrey man of the Church at Mount
Calvert 1 Set for that Church

To M^r Llilington a Minister 1 Sett Boookes

To M^r Darling a Minister 2 Setts Bookes

6 Setts in all

Pap^{rs} ab^t Strange Indians Given as follows Viz^t

List of Pap^{rs} 1 To Coll Jowles for Calvert County
ab^t strang 1 To Coll Addison of Charles County
Indians Did as also 1 of the same to Coll Ninian Bale & his
to the Sev- Comission
erall prsons
herein 1 To Coll Greenberry of Ann Arrundell County
named 1 To Coll Pierce Cæcill County
1 To M^r Boothby of Baltemore County

June the 2^d 1695

Lib. H. D.

Majr Thompsons Rect for Booke of Rates & Black Bonds from Coll Pearce &ca Then Rec^d of Coll W^m Pearce one Booke of Rates & some blanke Bonds, According to his Ex^{ncies} Order, but I could not receive any Instructions from the said Coll Pearce, he the said Pearce alleading that he never had any

p Jn^o Thompson

Coll Coods Lettr to Mr Denton Re- lating to powder &ca Mr Denton I have rec^d yⁿ by M^r Heupham as to the Powder I know Nothing of what you Write my Instructions you gave me w^{ch} was an Order of Council were for Six barrells I intended to lodge one at Majr Cambles but the wind being hard at N: could not get into the Creeke Cap^t Greenhalgh I was told was Removeing to Charles County besides their are four Cap^{ts} more that must want Amunicōn if your instructions be Observed I intended an Equall distribucōn, since otherwise I doe desire the Govern^{rs} Ordⁿ ab^t it in the Meane time Dare not uenture to send back any by Water come Downe in the Boate my self As to the Amer- ciamⁿ you had best get a good list of them for it is a blind one I have & send it me wth Execucōn wherein will doe the best Service I can pray let me have agen the papers delivered in Council about Surrender of Mattapany w^{ch} thinke my selfe unsafe in being wth out

p. 138

S^r I am in haste therefore pray Excuse

Y^r most humble Servant

John Coode

her Sacred
Mats Lettr
Ab^t assist-
ance to New
Yorke &ca

Marie R

Trusty & well beloved We Greet you Well Whereas it hath been Represented unto Us that notwithstanding the Significacōn of our pleasure to our Severall Collonies and Provinces in the Northern Parts of America, the 11th day of October 1692: to be aiding and assisting to Our Govern^r or Command^r in Cheif of our Province of New Yorke for the Defence and Security of our s^d Province ag^t the Attempts of our Enemies, And to agree upon a Quota of Men or other Assistants to be given by each of our said Colonies or Provinces for the Defence & security of our said Province of New York some of our said Colonies or Provinces haveing Omitted to send Comissioners to Adjust the Quotas to be furnished by them respectively, nothing hath been done therein We have thereupon thought fit to Appoint the severall Quota's of Men or other Assistance to be furnish'd by our said Colonies and Provinces respectively for the Defence and Security of our said Province of New

Lib. H. D. Yorke and accordingly We do hereby Signify our Will and Pleasure unto you that a Quota or Part of our Millitia of our Province of Maryland not Exceeding one hundred & sixty men be the measure of the Assistance to be given by our said Province for the Defence & Security of our said Province of New Yorke, Which We do hereby Require & Command you
 p. 139 at all times upon the Applicacōn of the Govern^r or Commander in Cheif of Our said Province of New York, to furnish & send to be under his Comānd & direction for the Defence of our said Province We having also given Express directions to our said Govern^r or Comānder in Cheif of our said Province of New Yorke not to demand or Require at any time a greater part of the said Quota or other Assistance from our said Province of Maryland than he shall in Proporcion demand or require of the respective Quota's of the rest of the Adjacent Colonies, And so not doubting of your ready and Chearfull Obedience to Our Royall Pleasure in a matter Wherein the Security and Preservation as well of Our good Subjects within our Province of Maryland as of all our Subjects Inhabiting in those parts of America is so much concern'd, We bid you farewell. Given at our Court at Whitehall this twenty second day of August 1694 In the Sixth year of our Reign.

By Her Ma^{ty}'s Command
 I Trenchard

The af^d Letter was Directed as follows Viz^t

To Our Trusty and Welbeloved Francis Nicholson Esq^r Our Cap^t Generall and Governor in cheif of our Province and Territory of Maryland in America And to the Governor or Commander in Cheif thereof for the time being.

New York 24th September 1694

Govern^r S^r
 New Yorks
 Letter with I did Expect to hear of your Arrivall to yo^r Gov-
 his proposall ernm^t but imbraced the Present Opportunity to wish
 abt a joint you much Joy. Yo^r Council can informe you how
 Assistance matters are between Maryland and New Yorke the
 agt the
 French & ca Acco^{ns} and Protested Bills for ffour hundred fifty
 Whitehall three pounds Sterl were sent to them, In the Last from S^r
 Thomas Laurence He did excuse the non paym^t of that
 money at that time the Revenve being indebted & promised
 care should be taken in the next Assembly w^{ch} I believe is
 now Effected by your Conduct.

p. 140 I have sent you a Copy of my Treaty with the five Nations
 of Indians whereby you will perceive how they are apprehen-

sive of the inequality of their Burthen of the Warr and have Lib. H. D.
 patcht up a peace wth Canida which I was Oblidged to
 acquiesse with not being in a Condicōn to make Warr upon
 them it will be much the concern of Maryland as well as of
 other Provinces, that the Indians be kept stedfast to the
 English and the ffrontiers of this Province better Secured
 Were there sufficient force to justify all our out posts this had
 not gon so farr & I doubt not yet to reclaim them I have pro-
 posed a new Sheme of a joynt assistance w^{ch} is inclosed the
 like is sent to S^r Edmond Andros So desire you will consider
 of it Count ffrontiniac is at Mount Reall wth Considerable
 forces hath some designe I have sent to discov^r his Motion &
 give you a Copy of the intilligence I am

S^r

Your Excellency's
 humble Servant
 Ben ffletcher

Govern^r Maryland.

Governor
 of New
 Yorkes
 Scheme of
 a Joynt
 assistance
 to Maryland
 &c^a

Pursuant to an Order of his Excellency in Coun-
 cill dated the 30th of August last Wee have made the
 Computation what the charge will amount to for
 maintaining of five hundred Soldiers with their
 proper Officers which of Absolute Necessity are
 required to be continued at Albany and the out
 Garrisons of that ffrontier to secure the same and to prevent Whitehall
 a further defecōn of the ffive Indian Nations together wth the
 Ordinary charge which this Governm^t for severall years past
 has been at in Presents to the said ffive Nations and to Com-
 pute the same as followeth

	lb	s	d	
For 5 Cap ^t at 8 ^s p diem is for one year	£	730	00	00 p. 141
For 10 Liev ^{ts} at 4 ^s p diem is for one year	£	730	00	00
For 15 Sergeants at 1 ^s 10 ^d is for one year	£	501	17	06
For 15 Corporalls at 1 ^s 4 ^d p ^d is for one year	£	365	00	00
For 10 drummers at 1 ^s 4 ^d is for one year	£	243	06	08
For 500 Private Soldiers at 12 ^d p diem is for one year	£	9125	00	00
For 1 Adjutant at 4 ^s is for one year	£	73	00	00
For 1 Comissary at 2 ^s 6 ^d p day is for one yeare	£	45	12	06
	£	11813	16	08

Item for incidents of firewood candles bedding
 hospitall for Sick men transportacon of men
 & provisions from New York to Albany &
 the out Garrisons building and repairing
 barracks & other Contingent charges that

Lib. H. D. will attend the said men computed p^{ib} s^o d^o
 Annum At £1386 03 04
 Item for Presents to the Indians & the Necessary
 charges p annum £1000 00 00
 The Whole charge of s^d Men & presents will }
 amount by the s^d Computacōn p an- } £14200 00 00
 num at }
 And if it so happens that pursuant to their Ma^y
 Gracious directions the supply of 400 Sol-
 diers with their proper Officers doe arrive
 the aboue sd Charge Will only abate as by
 their Ma^y Establishm^t appears the sume of £6801 03 04
 Rec^d £7398 16 08

ffor that by said Establishm^t is only allowed to the Private
 Soldiers 8^d p diem New York Money out of which 2^d sterl is
 stopt for their Cloath's the rest will but pay for their Sub-
 sistance so nothing is left them for shoos stockins shirts and
 other necessities which may occasion their desercōn unless
 their pay be augmented as aboue Whereby they may be able
 to Subsist.

So that the said Charge if the 400 men do arrive Will
 remaine as aboue p Annum £7398..16..8..

And wee have also Considered pursuant to said Order
 What the Severall Governm^{ts} hereafter Named ought to con-
 tribute in Obedience to their Ma^y Gracious Letter to Aid and
 Assist this Province in the Defence of the ffrontiers at Albany
 and doe Compute their Respective Proportions as ffolloweth

	If no supply arrives	If the Supply do arrive
p. 142 Massachusetts Governm ^t	£2600..00..00..	or £1354..10..00..
Road Island	£ 600..00..00..	or £ 312..10..00..
Connecticut	£1200..00..00..	or £ 625..00..00..
Jerseys	£ 800..00..00..	or £ 417..00..00..
Pensilvania	£1200..00..00..	or £ 625..00..00..
Maryland	£1700..00..00..	or £ 885..10..00..
Virginia	£2600..00..00..	or £1354..10..00
New York being more }		
immediately concerned }	£3500..00..00..	or £1824..16..08..
	14200..00..00 or £7398..16..08..	

But if it should so happen that the Supply of 400 men do
 not arrive It would not be possible to raise the said Men wthin
 this Province of New York Wherefore the Neighbouring
 Whitehall Governm^{ts} ought to raise their Proportions which Wee do
 compute as ffolloweth

Massathusetts Governm ^t	90 men Lib. H. D.
Road Island	20
Connecticut	60
Jerseys	30
Pensilvania	30
Maryland	50
Virginia	90
New York being More immediatly concerned	130
	<hr/> 500 men

Which is humbly Submitted by
 N Bayard Chid Brook S V Courtland
 New York 13th A True Copy
 September 1694 David Jamison Clk Council

Govern^r of Examination of a Maquass Indian called Sinnon p. 143
 New York Servan who is run a way from Cannada & come
 Coppy of hither in Seaven days time by Land taken before
 intelligence Coll Richard Ingoldsby Commander in cheif of the
 from Canida ffrontiers and Maj^r Peter Schuyler one of the Councill he was
 taken about a Year a goe by the ffrench Indians near Where
 the Late Engagem^t was with the ffrench When they burnt the
 Maquass Castle

Albany the 2 September 1694

Says

That Count Frontiniac Was at Mount Royall and a great
 Number of Men both ffrench and Indians and Men and Pro-
 visions brought thither dayly in Great quantityes that there
 was a Plain as bigg in Circumference as Albany full of Burch
 Canoes and great many Batoes that the Clubs w^{ch} Iurian the
 Maquass brought thither When hee tooke the two ffrench
 Boyes Were brought to the Govern^rs by the ffrench praying
 Indian Who said ffather Wee Will bring the Clubbs back
 again to All: Noe said the Govern^r of Canida my Children I
 will goe and carry the clubbs there my selfe only I stay till the
 80 days be Expired that Dekemissoi has to return in and then
 I sett out there were two or three Indians that were privy to
 this Indians coming away Who would stay till the Govern^r
 setts out & then Would come hither the Govern^r has a great
 Many Bombs & hand Granadoes some of the Bombs & hand
 granados he see fyred att Mount Royall and had also a great
 many Instrum^{ts} for undermining he says further that wahawy
 the Maquass that used to Comitt great Spoyle In our Coast is
 killed upon an Expedicōn ag^t the North West Passage It was
 discoursed at Canida that the Govern^r of Mount Royall Was

Lib. H. D. to Lead the Party that was to Come against Albany And that the Old Gentl Count ffrontiniac stayd at home the time that the army Was to sett out from Mount Royall Was to be Munday the 3^d of September 1694

A True Copy

David Jamison Clk Council

Maryland Governor Nicholson's Answers to the Governor of New Yorks Letter is as follows Viz'

p. 144 Gov^r Nicholson's Lett^r to Gov^r of New Yorke &ca Sn^t Maries City October 18th 1694

Whitehall Sr Y^r Ex^{ncies} Lett^r of the 24th of September past with inclosed Papers I rec^d the which were communicated to the Council the Eighth of October instant and so sent down to the house of Burgesses together wth his Ma^s Royall Lett^r of the 11th of October 1692: Relating to the Assisting your ffrontiers &ca ag^t the fFrench and Canida Indians—And that the state of the Whole Mater might be fully known, I caused the severall Lett^{rs} and Papers passing betwixt the two Governm^{ts} to be Likewise laid before the House; An Answer whereto the inclosed paper is a Coppy; the Gentl of the Council agreeing and Assenting to the Same.—The other inclosed paper is Coppy of the Councils Reasons why the fforraign Indians which came into this Goveram^t about two years agoe with intent to Settle should not be Entertained among Us.

I find the Revenue of this Province to be very precarious and the Governm^t altogeth^r destitute of any banke or fund of Money; and which is wors is at present much in Arreares, therefore can do no more, Save truly to Represent the Whole Affaire to their Sacred Ma^s I am

Sr Yo^r Ex^{ncies}

Humble Servant

ffr. Nicholson

Govern^r New York Copy of the following Proceedings of Assembly were sent inclosed in the Above Letter Viz'

By the Burgesses of Assembly October 16th 1694

Whitehall house of Burgesses answer to New York proposalls &ca Having laid before us her Ma^s Lett^r bearing date the 11th day of October 1692: relating to the preservacon & Assistance of their Ma^s Colonies of New York & Albany with a certaine Quota of Men & Money wth a former lett^r and Scheme and also a late Lett^r from his Ex^{ncy} Coll Benjamin ffletcher Gov^r of that place with a New Scheme & Examinacōn of the Maquass Indian

together with a Small Treatise In Print relating to severall Lib. H. D.
consultacōns lately had wth the Northern Indians all which this P. 145
house haveing duly Weighed and considered in answer to
which Wee say that the great vnavoidable and continuall
charges occasioned here by the late revolution and the vast
Sumes of money expended by our Severall Agents in England
out of the Publick Revenue of this Province Together with
the vast Sumes of Money & Tobacco in arreares which are
now come to be paid besides the Continuall charge of Severall
Troops constantly kept out for the security of our ffrontier
Plantacōns these with other like Circumstances doe Incapaci-
tate Us to Yeild any Supply or Assistance to the said
Governm^t of New York and Albany at this Juncture And as to
the severall Articles contained in the said Treatise relateing to
the Covenant Chaine renewed in which Wee find ourselves
together with the severall Colonies included for which wee
returne our hearty thanks and shall ever acknowledge it both
our duty and Intrest vpon all occasions to use our utmost
Endeavour for the preservation safty and Wellfare of all their
Ma^{ty} Subjects within these their Ma^{ty} Territories of America
and more Especially for those to Whom Wee acknowledge
our selves soe signally and highly Obliged

Signed p order

C Lomax Clk Assembly

At a Conference held at the City of Sn^t Maries the 15th day
of October Anno Dom 1694 Between his Ex^{cy} the Gov^r &
Councill & the house of Burgesses in Assembly convened

Governrs De- His Ex^{cy} demanding that in case the fforraign
mand abt
fforraign Indians which lately came into this Governm^t should
Indians &c come again with intent to sit downe and seat here,
what answer should be Given them; M^r Speaker thereupon Whitehall
produced the Sence of the house in Writing as to that partic-
ular the which runes in the following Words Viz^t

By the Burgesses of Assembly October 15th 1694

The House With submission to your Ex^{ncies} beter Judgm^t This
of Burgesses house doth not think fitt at this Juncture of time to
Sence & opinion abt Receive & Entertaine any fforraigne Nation of
fforraigne Indians
Indians &c

Signed p Ord^r C Lomax Clk Assembly.

Post Meridiem

Taken into consideracon the House of Burgesses sence & p. 146
opinion delivered at the Board about the aforementioned Whitehall

Lib. H. D. Indians &^{ca} to which the Board does agree and Order the following Reasons to be given to the Indians if they come; Viz^t

Councilla
Reasons abt
Strang In- That this Countrey is an open Coontrey and
dians to Be deales generally in Tobacco and not in ffurrs; but
sent to New understanding they have had an invitation from the
Yorke Governm^t of New York doe think that those parts
and Pensilvania whoe deale and trade most in ffurrs,
Will be the most proper for their Abode

True Coppy Hen Denton C of Concil

March first 1694/5

Govern^r of S^r
New Yorkes
Lettr Re-
lateing to
Protested
Bills of
Exca &^{ca}

A Lettr believed to be from your Ex^{ncy} (without a name) wth a vote of the Burgesses of Maryland and result of the Councill in Assembly there was directed & Presented to his Ex^{ncy} the Govern^r of this Province defeating our hopes of such Assistance his Ma^{ty} Royall Letter commanded expressing somewhat about Indians &^{ca} and the vast Sumes of Money and Tobacco in arreares & now to be paid &^{ca}

Whitehall

Among these Wee signify to Y^r Ex^{ncy} that the Governm^t of Maryland is indebted to this the sume of 453^{lb} sterl: being Money charge and Damages due on protested Bills of Exchange from Maryland as by the inclosed copy of the Protest and Acco^t appears.

This his Ex^{ncy} in Councill was pleased to Order Us to lay before your Ex^{ncy} that the same may be speedily discharged it being what Wee Expect from Y^r Ex^{ncies} candor and Justice

Wee are yo^r Ex^{ncies} humble Servants

Chid Brooke

ffredryck flyphs

N Nicoll

N Bayard

Caleb Heathcote

G Mininelle

Thomas Willet

S : Cortlandt

John Lawrence

p. 147

Ex^{ca} 362^{lb} 08^s 00^d Maryland June 12th 1693

Coppy of S^r
Gov^r Copley
Protested
Bill of Exca
&^{ca}

At Thirty dayes sight of this my second bill of Exc^a my first & third of the same Ten^r & date being Neither of them Paid pay or cause to be paid unto his Ex^{ncy} Coll Benjamin Fletcher Govern^r of New Yorke or his Ord^r the sume of Three hundred sixty Two Pounds Eight Shillings Sterl: make good paym^t and place the Same to Acc^t of p advice from your humble Servant To Richard Hutcheson Esq^r in London These L Copley

Pay the Contents of the w^{thin} Bill to John Blackhall Merch^t Lib. H. D.
in London or Order for Acco^t of Abraham De Peyster &
Nicholas Bayard Ben ffletcher

By this Publick Instrum^t of Protest be it known & Manifest
unto all People that on the Eight & twentieth day of Septem-
ber Anno Dom 1693. In the fifth yeare of the Reigne of
William & Mary King & Queen of England &^{ca} att the
Request of John Blackhall of London Merch^t J Porton Paul
Notary and Tabellion Public Legally Admitted and Sworne Whitehall
dwelling In London speaking to Richard Hutcheson Esq^r I
demanded of him if he would accept the Originall Bill of
Exchange of three hundred Sixty & two pounds & Eight Shil-
lings sterl (the Coppy Whereof is aboue Written) he answered
he would not accept the said Bill for Want of Effects Where-
upon I the said Notary (at the request aforesaid) have pro-
tested as by these presents I do protest as well ag^t L Copley
drawer of the said Bill as al others therein any Wise Obligated
for Change Rechange all of the Damages & Intrests Suffered
& to be suffered for want of Acceptance of this s^d Bill This
done & protested in London in presence of Henry Simith &
Thomas Jones Witnesses

[Locus Sigilli] Vera Copia quod attestor
P Paul Not's Pubs
A true Copy
David Jamison Cl Concill

The Province of Maryland D^r

1693/4
4th Jan^{ry}

To the within Protested Bill of Exc^t }
Signed by Gov^r Copley in behalfe } 362..8..00..
of the Governm^t

To the Rechange & charges at 25 p Cent } £90..12..00..
Sterl 453..0..0..

David Jamison Clk Concill

At a Councill held at Ann Arrundell Town in Ann Arrun-
dell County the 28th day of febr^{ry} in the seaventh year of the
Reign of our Sovereign Lord and Lady King William and
Queen Mary &^{ca} Annoq Domi. 1694

Present

His Ex^{ncy} Francis Nicholson Esq^r Comander in Chief &^{ca}

The Hon^{ble} { Coll George Robotham }
{ James Frisby Esq^r }
{ Edward Randolph Esq^r }

Petition of Paul Bickford read as follows. Viz^t

Lib. H. D. To his Ex^{ncy} Francis Nicholson Esq^r their Ma^{ty} Cap^t Gen^l and Govern^r of Maryland.

The humble Peticon of Paul Bickford of Plymouth in the Kingdom of England Marrin^r

Paul Bick- Humbly Sheweth
fords Peticon
for Speciall
Comission
&ca

p. 153 That whereas yo^r Pet^r haveing a Difference in Law with one Joshua Broadbent M^cchant to whom your Pet^r upon his Engagement of punctuall pay in tobacco at yo^r Pet^r his Shipps side in Wiccocomaco River has delivered four hundred Bushells of Salt but has received no part of Satisfaction for the same more than two thousand pounds of tobacco and that not at his Ships Side but by notes to other Men and yet is yo^r Pet^r sued by the said Broadbent and speciall Baile insisted on for Thirty od thousand pounds of Tobacco And for as much as yo^r Pet^r is upon his voyage and comes here in the way of Trade and that the said Broadbent has no other dependance but on Tiring out yo^r Pet^r by delay's and retarding his Voyage thereby to force yo^r Pet^r to a Compliance with his Unjust demands

Your Pet^r therefore humbly Supplicates yo^r Ex^{encies} consideration of the Premisses and that you will please to appoint a Speciall Court or such other Suitable wayes and Meanes as your Wisdom sees fitt for the speedy hearing and determining the said Difference &^{ca}

And as in Duty bound he shall Ever Pray &^{ca}

Ordered that Speciall Commission issue according to the prayer of the Pet^r which said Commission was drawn up and in these words following Viz^t

Speciall Commission Granted constituting Capt Wm Barton & al^s to be Justices for the Ending all Differences inter Bickford & Broadbent William & Mary by the Grace of God King & Queen of England Scotland France & Ireland Defenders of the Faith &^{ca} To Cap^t W^m Barton M^r John Hawkins Maj^r James Smallwood Cap^t Philip Hoskins & M^r Robert Yates of Charles County Gentl Greeting Whereas Paul Bickford of Plymouth in the Kingdome of England Marriner humbly set forth Unto our Council that he had been sued by one Joshua Broadbent M^cchant who insisted upon Speciall Bayle for thirty od thousand pounds of Tobacco Signifying withall that he was upon his voyage and come here in the way of Trade therefore humbly prayed our Speciall Commission might issue for the Speedy Tryall of the said Difference now depending and not be tired and wearied out with the dilatory proceedings of his Adversary, which was Accordingly Granted him, And Wee willing that speedy Justice in like case

should be done, Wee reposing Special Trust and confidence Lib. H. D.
in your abilities prudencies & Wisdoms have thought fit to
Nominate constitute and Appoint And Wee do here by these
p'sents Nominate Ordaine & Appoint you the Aforenamed
Cap^t William Barton, M^r John Hawkins, Maj^r James Small-
wood, Cap^t Philip Hoskins and M^r Robert Tates Justices and
Comission^{rs} for the hearing and determining as well the afore-
mentioned difference now depending as all other differences
or Law suites which are or may any wise happen betwixt the
said parties during the continuance of this our Commission
And for that End and purpose you are hereby Empowered to
Call before you Twelve good and Lawfull Men of the Vicinity
by whom the truth of the Matters may the better be known as
also to Sumons what Evidences either party shall Require by
you to be sworn to Say the truth in the premises, And upon
the Verdict of the Jury brought in, your finall doome Sentence
and determination shall Make as to Law & Justice appertain-
eth, hereby appointing you the aforesaid Cap^t William Barton, p. 154
M^r John Hawkins, Maj^r James Smallwood, Cap^t Philip Hos-
kins and M^r Rob^t Tates to meet and Sit at Charles Town in
Charles County the day of March instant or any three or
more of you Whereof you the said Cap^t William Barton, M^r
John Hawkins & M^r James Smallwood to be always one for
the fully hearing and determining the Above Mentioned
p'mises hereby likewise Empowering you after Judgm^t Given
to take Moderate Cost and to Adjourne from day to day Untill
the business afd. by you be fully determined And to the End
you may keep a faire Record of All your Proceedings herein
Wee do Nominate and Appoint Cleborn Lomax to be your
Clerke he having first taken the Oathes appointed by Act of
Parliam^t to be taken instead of the Oathes of Allegiance and
Supremacy as also the Test, a faire Coppy of which proceed-
ings you are to Transmitt Unto Us Attested under the hand
of your said Clk. in our high Court of Chancery among the
Records of the Office of our said Court to Remain and be
kept, Given at Ann Arrundell Town in Ann Arrundell County
the second day of March in the seaventh year of our Reigne
&^{ca} Annoq Domi: 1694

ffr: Nicholson

Dedimus potestatem for Swearing the Commissioners after
the vsuall forme was drawn upon the back of the aboue Com-
mission was signed by his Ex^{ty} and passed Under the Broad
seal of the Province the day and Yeare abovesaid

H Denton C of Concil

Lib. H. D. Order abt Roman Catholick Armes taken Upon Representation Ordered that all persons who tooke any private Armes from Roman Catholicks or others in the time of the late Revolution that they bring and deliver all such Armes up into the hands of the Collonell of the County where taken, who is hereby Obligated & Required to Cause the same to be restored to the Right Owners.

Steven's Bill of Sale from Roe for Land & Order for Consultacón Produced and Read William Stevens Bill of Sale from Edward Roe for 25 Acres of Land, Ordered that the Attorneys be consulted therein for the Publick good, And that they make Report thereof to this Board accordingly.

The hon^{ble} Coll Nicholas Greenberry & Thomas Tench Esq^r aded.

Mr frisbury's informacón abt Strange Indians & Order therein. The Hono^{ble} James Frisby Esq^r informs the Board concerning an abuse lately received by one Henry Penington from one of the Strange Indians, which last Assembly were Represented to be in this Governm^t Likewise Setting forth that they were upon Coll Hermans Manno^r 16: of Jan^{ry} last past contrary to the Opinion of the house of Burgesses and the Order of his Ex^{ncy} & this Board 15th of Octob^r preceeding; Ordered thereupon that three Copies of the said Opinion & Order be drawn forth & sent to Coll Herman, Coll Pierce & Maj^r Thompson who are hereby strictly Enjoyned to Observe the same, in neglect or contempt whereof the a^d James frisbury is hereby Empow^{ered} to bind over to the Court any of the said persons so Offending.

p. 155 John Oldtons Lettr Relating to the Conduct of the Rangers of Baltemore County & his Ex^{ncy} & Councils Approbation thereof &c John Oldtons Letter to his Ex^{ncy} being produced and read at the Board therein craving to have the Conduct & Charge of Baltemore County Rangers conferred upon him, Who is approved off Accordingly by the Board and Ordered that he present Six Men besides fit for that Service, Unto the Hon^{ble} Coll Nicholas Greenberry for his Approbation And that he duely comply with the late Act of Assembly passed relating thereto; his Ex^{ncy} being pleased to Signifye that he had purchased Locks and hatchets for all the Rangers by Act Appointed, which they should have, upon their Making good the same to his Ex^{ncy} And that the hon^{ble} Coll Nicholas Greenberry take Receipt for the Same.

Record of
Baltimore
County Court
setting forth
the obstinacy
of Mr Ash-
man & halls
Refusall of
serving as
Justices,
Order of
Councill
thereon &
Ashmans
Submission
& Excuse

Produced Coppy of a Record from Baltimore Lib. H. D.
County Court seting forth that M^r George Ashman
& M^r John Hall (Justices appointed in the late
Comission of peace to that County sent & directed)
did obstinately Refuse to serve; it was thereupon
Ordered that the said Ashman & Hall be bound
over to Answer at the next Provinciaall Court for
such their contempt, And that M^r Attorney Gen^l
prosecute the same Accordingly But the said Ash-
man having since by Petition made his humble
Submission to his Ex^{ty} is excused upon condition
of his willing performance of his Duty hereafter

Choptanck
Indians
Complaints
agt Maj^r
Taylors
intrenchmt
upon their
Land &
Order there-
upon &c^a

Severall Choptanck Indians appearing here at the
Board made Complaint that Maj^r Thomas Taylor
of Dorchester County had intrrenched upon their
Land given and Granted them by the Lord Balte-
more to live upon; therefore prayed Redress in the
premisses it was thereupon Ordered that the hon^{ble}
Coll George Robotham Coll Charles Hutchins, Doct^r
Jacob Lockerman, M^r Thomas Ennalls and M^r Thomas Hicks
meet at Cambridge Town in Dorchester County the 19th day
of March Next and Call before them as well the said Maj^r
Taylor as the Indians afd. and make due and strict inquiry
into the Premises, And if possible to get the said Matter
Accomodated; And further that M^r Smithson Resurvey the
said Land, according to Order of Councill in the Lord
Baltemores time.

Commiss-
ions ordered
to Consti-
tute Coll
Robotham
& Coll
Greenberry
Judges of
Admiralty
Court one
on the East-
ern & the
other on the
Western
Shore &c^a

Ordered that Comission issue to Constitute the
hon^{ble} Coll George Robotham Judge of the Court
of Admiralty for the ffive Counties on the Eastern
shore, Robert Vngle Register and Thomas Bennet
Marshall And that Coll Nicholas Greenberry be
Commissionated Judge of the Court of Admiralty
for the ffive Counties on the Western Shore, Henry
Denton Register and Thomas Collyer Marshall of
the Same. Whitehall

Mr Briscoes
Peticon &
Excuse &c^a

M^r Philip Briscoe one of the late Justices of Sn^r
Maries County Court, upon his Petition & Evidence
of two persons that he was Sick, is Excused for his
Neglect in not coming to discharge the Duty of his place at
that Court in Jan^{ry} Last

Lib. H. D.
p. 156

March 1st 1694

Councill again Sate & Were present as Yesterday Except Coll Greenberry. With the Addition of M^r Addison & M^r Brookes

Proclamacon Ordered that Proclamation be prepared for Ad-
prepared for journing the Provinciaall Court vntill 2^d Tuseday in
adjournmt August, by Reason the ffilet is now come in and
of the Provll have but a short time to stay which accordingly was
Court &ca prepared, Read & Signed by his Ex^{cy} & passed the Broad
Seale of the Province

Ordr for
Coppies of
the Lettr
from
Comissionr
of the mat^s
Custom
house in
London for
the Sevrall
Collectors
of this
Province
relating to
mat^s giving
Navigation
Bonds

Produced by his Ex^{cy} at the Board Letter from the R^t hon^{ble} the Comissioners of their Ma^{ty} Customes, Dated 17th November 1694 relating to the Collectors of Virginia & Maryland compelling Ma^{ty} of Ships that had given Navigation Bonds in England, to give Bonds a new here, which being read his Ex^{cy} in Councill was pleased to Order as it is hereby Ordered that Copyes of the said Letter be drawn forth & sent to the Severall Collectors wth in this Province, And that they severally give Answer thereto.

The Letter follows in these Words Viz^t

The R^t
honble the
Comissionrs
of their
Mat^s Cus-
tomes Lettr
to his Ex^{cy}
relating to
Navigation
Bonds

S^r

It haveing been represented to us by way of complaint from Severall M^rchts of this City Trading to Maryland & Virg^a that Notwithstanding the Masters of their Ships doe before their Departure out of England give Bond at the Respective Port to returne with their Loading in pursuance of the Law to Some Port of England Wales or Berwick & produce Certificate thereof to the Collectors in Maryland & Virg^a yett the said Coll^{rs} do compell them there to give Bond againe with the same Condition thereby Creating an Unnecessary trouble & Charge, Wee desire you to Examine into this Matter in Maryland & to give Order that in all Cases where the Master or Comander of a Ship doth produce a Certificate duly vouched Under the hands of four or More of us or the Com^{rs} of the Customes of England for the time being of his having given Bond as afd in the port from whence he Cleared such Master or Comander may be Suffered to take in his Loading w^{thout}

being compelled to give any other the like Bond in Maryland Lib. H. D.
Wee are

S^r Your Very humble Servants
Custom house London
17th 1694

Rob^t Cleyton
P Ward
Rob^t Southwell
C: Godolphin

The Severall Collectors answer to the afuregoing Lettr &ca George Layfield Esq^r Collect^r of Pocomoke Dis- p. 157
trict George Plater Esq^r Collect^r of Petuxant Dis-
trict & M^r Philip Clarke late Collector of Potomock
District all with in this Province did severally make
answer to the aboue Letter, That they were no Wayes guilty
of the matter there in charged.

Order abt Willys Negros Clandestinely Brought from Barbado's by One Capt Hill & sold to one Jones wth the sd Jones's Answer thereto &ca Produced by his Ex^{ncy} petition of one Edward Willy Merchant preferred to his Ex^{ncy} the Govern^r of Barbadoes, together with the said Govern^r Lett^r to his Ex^{ncy} here, in favour of the Petitioner The Petition setting forth that one Thomas Jones had knowingly bought of Cap^t Thomas Hill Comānder of the Ketch Adventure, a couple of Negro's which the said Hill had brought clandestinely away from Barbado's contrary to Law, therefore prayed that the same might be again restored to the Right owner, So that he as Security for the said Hill might not be damnified— Then produced a paper of the said Jones in Answer to the said Peticōn whereby was signified that he did purchase of the said Hill two Negro's one for 7600^d of tob and the other for tenn Thousand p^{ds} of tob: w^{ch} was by him duely paid, with- all Setting forth that after his purchase of the same made, he understood the said Negro's did belong to a Plantacōn in Barbado's and had a hand in the Plot, therefore were sent on Board the said Hills Vessel to be hid by two of the Seamen and were Accordingly hid, Unknown to the said Hill vntill two days after his departure from Barbado's, as the said Hill told the said Jones, And further said that to secure himself of the hazard of their Lives, he would dispose of them, And that if the said Jones would not keep them he the said Hill had Chapmen enough for to take them off his hands.

Ordered that the Attorneys be consulted therein, And their Opinion & Answer upon the same to be given, with all Expedition.

Lib. H. D. A List of what Letters and other Pappers were Preferred to his Ex^{ncy} Govern^r Nicholson by M^r Robert Nearn on behalfe of M^r Edward Willy of Barbadoes is as follows Viz^t

List of papers relating to Willys Negros and Nearns Receipt &c^a Imp^{rs} A Letter from M^r Nearn to his Ex^{ncy} the Govern^r Dated the 23th of Jan^{ry} 1694. M^r Edward Willys Pet to the Govern^r of Barbado's ab^t two Negroe Men transported from Barbados by Cap^t Thomas Hill the said Negro's belonging to one Cap^t William Porter.

The Opinion of M^r Plater & M^r Dent Relating to the aforementioned Negro's.

M^r Nearns Pet. to his Ex^{ncy} & Councill ab^t the af^d Negro's in behalfe of the aforesaid Willy.

A further Report of M^r Dent & M^r Plater Concerning the af^d Negro's wth an Order of Councill Annexed.

Thomas Joneses Answer to the Councill ab^t buying the said Negro's.

May the 21th 1695.

Then Rec^d the aboue mentioned Papers for Acco^t of M^r Edward Willy I say Rec^d. p Me Ro^t Nearn.

p. 158 Produced the following Peticon and Read as follows Viz^t To his Ex^{ncy} the Govern^r and Councill in Councill Sitting

The Humble Petition of Henry Denton.

Henry Dentons Peticon for severall Allowances as Clk of the honble Councill & Ordr thereon &c^a Sheweth That the last Gen^l Assembly held at the City of Sn^t Maries your Pet^r humbly set forth to yo^r Ex^{ncy} and Hon^{rs} how that the house of Burgesses were pleased to Allow your Pet^r (as Clerk of the Councill) for his years Sallary the Sum^e of Ten thousand pounds of tobacco being 2000^{lb} less then former Clerks in that Station Usually have had.

That during that Space of time he had been at Considerable charges in Attending upon Councils called to places remote from the City of Sn^t Maries without any Satisfaction for the same & lastly that the house had Omitted to make any allowance to y^r Pet^r for his Attendance & paines bestowed as Clerke of this Hon^{ble} Board in Assembly then sitting a thing altogether Unpresidentiall.

That your Ex^{ncy} and this Hon^{ble} Board were (upon the af^d Representacōn) pleased to recommend Unto the house the

severall particulars before mentioned, for their Allowance, Lib. H. D.
who considered upon the same the sume of 2000^{lb} of Tobacco
in full of all, So absolutly Cutt of your Pet^r from the usuall
Allowance made to the Clerke of this Board as likewise his
itinerant charges aforementioned, An Acco^t whereof lay then
before the house.

That your Pet^r does conceive it altogether in vain to make
any further Adress to the house of Burgesses, therefore
humbly applyes himselfe to your Ex^{ncy} and Hon^{rs} for Reliefe
in the premises humbly Signifying a certain Income now
lying in the Guist of your Ex^{ncy} & Councill, Namely, the
Amerciaments of the Provinciaall Court, by an Act of Assem-
bly of this Province settled to be disposed off as the Govern^r
& Councill shall think fit, whereby yo^r Pet^r hopes his present
circumstances (through your Ex^{ncies} & hon^{rs} favour) may in
some Measure at present be considered; a List of which said
Amerciam^{ts} by your Pet^r found out and discovered to be due
he hath here now ready to present.

Your Pet^r further Represents some Considerable Charge he
hath been at in purchasing paper and Ink &^{ca} toward the
Managm^t of the Business of this Office and a Large paper
Booke for Entering the proceedings of the Councill in,
humbly also craveing Allowance for the same.

And your Pet^r as in duty Bound
Shall Ever Pray.

The af^d Peticon being considered it is Ordered as follows
Viz^t

By his Ex^{ncy} the Govern^r and Councill

p. 159

March 1st 1694/5

Ordered that all the Amerciam^{ts} belonging to the Provin-
ciall Co^t and accruing from the Seaventh day of July 1691:
untill feeb^{ry} Co^t last past be by the severall Sherriffes of the
Province accounted for and paid Unto Henry Denton Clerke
of their Ma^{ty} hon^{ble} Councill and not to their Ma^{ty} Receiver
This Board having bestowed the same upon the said Denton
for Several Services by him performed and Expences dis-
bursed in the Execution of his Office.

Signed p Order
Hen Denton C of Concil.

his Ex^{ncies} demand abt
further pro-
posalls & the
Councillis
Answer &ca
His Ex^{ncy} was pleased to demand of the Board if
they knew of any thing else importing their Ma^{ty}
Service or interest of the Countrey now to be pro-
posed, Who made Answer, they knew of Nothing
further to propose at present.

Lib. H. D. At A Councill held at Ann-Arrundell Town in Ann-Arrundell County the Nineth day of May in the Seaventh Yeare of the Reign of our Sovereign Lord and Lady King William and Queen Mary &^{ca} Annoq Domi: 1695.

Present

His Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l &^{ca}

The hono^{ble} { Coll Henry Jowles } Coll David Brown
 { Coll George Robotham } John Courts Esq^r
 { Coll Charles Hutchins } Edward Randolph Esq^r }

Produced the following Petition to the Board & was Read as follows Viz^t

To his Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l and Governour of Maryland

Coll Darnalls Pet on behalf of Ld Baltimore relating to his port duties &^{ca} The humble Peticon of Henry Darnall Agent for the R^t Hon^{ble} the Lord Baltimore for and on behalf of the said Lord Baltimore

Sheweth

That notwithstanding the said Lord Baltimore has heretofore procured their Ma^{ty} Ord^r (as may appeare by the Councill Bookes of this Governm^t) for the pmitting his said Agent to Receive & Collect his dues of one shilling p hogshead and fourteen pence p tunn The said Duties or part thereof have been contrary to the said Order received and made Use of either by the Convention before Govern^r Copleys time, or by the said Govern^r Copley after his comeing to the Governm^t

p. 160 And that the said Lord Baltimore nor the Pet^r can noe wayes have redress therin, Unless they may have an Acco^t from the severall Navall Officers of this Province or a Copy from your Ex^{ncy} of their Severall Acco^{ts} of import and Port Dutyes recd by them untill your Ex^{ncies} accession to the Governm^t whereby your Pet^r in behalfe of his said Ma^r may be enabled to know how to Come by his said Masters dues.

Wherefore he most humbly prayes That yo^r Ex^{ncy} would be pleased to Let him have Copyes of the said Severall acco^{ts} Attested by your Ex^{ncy} and he will pray

Henry Darnall

Answer to the said Petition Was as follows Viz^t

Order upon the aforegoing Peticon granted &^{ca} Whereas his Ma^{ty} in Councill has been pleased (on the 23th of Feb^{ry} 1692) to Order that the Lord Baltimore should be permitted, without any disturbance or interruption to Collect & Receive by such person and

persons as he shall thereunto Authorize and Appoint, the Lib. H. D.
Duty of ffourteen pence p Ton for Port Duty's or Anchorage,
for his owne use of Right belonging to him by Law as Lord
Propriator of the Province of Maryland. Ordered as it is
hereby Ordered that when the publick Accoⁿ of the Revenue
belonging to this Province are by the severall Navall Officers
fully brought in and stated pursuant to former Order of this
Board, the Petition^r then have attested Copyes of the Same,
according as he hath prayed.

Signed p Ord^r Hen: Denton Clk Concil

May 10th 1695.

Councill Again Sate and Were present as Yesterday.

Cap^t Bar- Came and Appeared, according to Summons,
tons appear-
ance And Cap^t William Barton of Charles County, Who being
discharg asked the Reason of his Neglect in suffering the
from further speciall Court (whereof he was appointed Chief
Attendance Judge to determaine a certain difference depending
&ca betwixt Cap^t Paul Bickford and M^r Joshua Broadbent) for to
fall; The said Cap^t Barton to Excuse himselfe says, that at the
two first meetings he attended the said Court, but that upon the
last adjournm^t he could not possibly be there, being indisposed
aged & a great distance off and hard Weather then likewise
falling out; The hon^{ble} John Courts Esq^r does in behalfe of the
said Cap^t Barton likewise say that he alwayes observed the
said Barton to be diligent in performance of his duty at the
County Courts, And therefore believes that what he has said
is truth, Who thereupon is Excused from his further attendance

Order to the Shiffe of Charles County to take into Custody Cap^t Hoskins to Answer &ca
Whereas the Sherriffe of Charles County by p. 161
Comand from his Ex^{cy} the Govern^r was Ordered
that he should Summons the severall Gen^l appointed
to be a Sp^l Court for the deciding & determining a
certain controversy depending between Joshua
Broadbent & Cap^t Paul Bickford, to be and appear
at Ann Arrundell Town in Ann Arrundell County by
the 8th day of May instant, to shew cause why they Suffered
the said Court to fall; pursuant to which said Order or Sum-
mons Cap^t Philip Hoskins one of the said Justices has not (as
yet) Appeared; It is therefore Ordered that if the said Sherriffe
has sumoned the said Hoskins, he imediatly go & take into
Custody the body of the said Philip Hoskins to Answer the
contempt, and if not already Summoned, that he forth with
give him Notice to be and Appear before his Ex^{cy} and Coun-
cill at Ann Arrundell Town by the 16th day of May instant.

Coll John Addison comes and Takes his place at the Board.

Lib. H. D.

May 14th 1695.

Councill Again Sate and Were Present

His Ex^{ty} Francis Nicholson Esq^r Cap^t Gen^l &^{ca}

Coll Henry Jowles	}	Coll David Brown
Coll George Robotham		Coll John Addison
Thomas Tench Esq ^r		John Courts Esq ^r
Coll Charles Hutchins		

Chancery
Comission
pduced &
approved
off the same
Whitehall to be shewed
to the Attor-
neys &^{ca}

Produced by M^r Attorney Gen^l at the Board
Chancery Comission, forme of the Oath to be taken
by the persons therein constituted Comission^{rs} as
also forme of the Oath to be taken by the Register
of the said Court, the which were Read approved
off and delivered to M^r Attorney Gen^l to shew the
Same to the Rest of the Attorneys & Officers of the Co^t for
their Approbation Also

Post Meridiem

Whitehall Produced again by M^r Attorney Gen^l the Chancery Com-
mission which was Signed by his Ex^{ty} in Councill & passed
the Broad Seale of the Province

Oaths Ad-
ministred to
the Comis-
sion^{rs} in
Whitehall Chancery
&^{ca}

Afterwards the hon^{ble} Coll Henry Jowles Chan-
celo^r Kenelm Cheseldyn Esq^r & Maj^r Edward Dor-
sey joynt in the said Comission, had administred
unto them the Oathes Appointed by Act of Parliam^t
to be taken instead of the Oathes of Allegiance &
Supremacy and Subscribed to the Test, as also Severally tooke
the oath of Commissioners appointed for keeping the Great
Seale.

The forme of the Oath proper for the Chancelour, Keeper
of the Great Seal or Comission^{rs} appointed for the keeping of
the Great Seal of the Province of Maryland.

p. 162 The Oath
of Chan-
cellor &^{ca}
Administred
&^{ca}

You do swear that well and truly you shall Serve
our Sovereign Lord & Lady the King and Queen
and their people in the Office of Chancellor Keeper
or Comission^{rs} appointed for the keeping the
Great Seale.

Whitehall That you shall truly Councill their Ma^{ty} Govern^r of this
Province in all Cases wherein you are called to Adviz^r relating
to their Ma^{ty}
Their Sacred Ma^{ty} Councill you shall keepe so farr forth as
you shall be knowing therein.

That you shall do equall Right to all manner of people both Lib. H. D.
Rich and poore within this Province according to Equity &
good conscience.

You shall not know or suffer the hurt of the King or that
the Rights of the Crown within this Province be decreased by
any meanes as af^d farr as you may prevent the same.

And if you can not prevent it you shall make it clearly and
Expressly known to their Ma^{ty} Govern^t of this Province for the
time being with your true advice and councill therein

So help you God &^{ca}

John Freeman had also administred unto him the oathes Whitehall
appointed by Act of Parliam^t &^{ca} & Subscribed to the Test &
likewise tooke the Oath of Reg^r in Chancery.

The Oath follows

The oath of
Registr in
Chancery You shall swear that you shall justly and truly
after your best skill & Judgm^t Execute the Office of
Reg^r of their Ma^{ty} Court of Chancery to w^{ch} you are
admitted. All Orders Decrees & other matters in your Office
to be Entered you shall Record & true Coppyes thereof when
required you shall deliver; Subpenas & other process of the
Court you shall truly & indifferently make & bring to be
Sealed with the Great-Seale of the Province, Duly justly & Whitehall
equally you shall Examine their Causes that shall be Com-
mitted unto you without any favour or respect of any person
or persons to be had, otherwise then of Right shall appertain
concerning the Same. And you shall be as well to
further their Ma^{ty} designes as the same Causes from time to
time as need shall require. And you shall not publish or shew
directly nor indirectly the same deposition to any person afore
publicacon in the Court without warrant from the said Court.
And finally you shall well & faithfully behave your selfe in the
Office of Register of this Court while you shall Continue in
the same and untill you shall be Lawfully discharged there-
from

So help You God &^{ca}

Order abt
the Con-
demnacon
of Charles
Partis his
Shipp trans-
cript to be
sent for
England

Upon Representation Ordered that M^r Nicholas p. 163
Milbourn and M^r William Sharpe (upon sight hereof)
procure Transcript of the Proceedings had & taken
upon the Tryall & condemnation of Charles Partis
Ship, in Order to transmitt the same for England to
Cap^t Francis Partis his Brother, whereby he may
know the true Cause of his condemnation.

Lib. H. D.
p. 149

To his Ex^{ncy} the Govern^r in Council &^{ca}
By the Burgesses of Assembly May the 13th 1695

The house of
Burgesses
Message to
the Govern^r
& Council
Relateing
to the pro-
tested Bill
of Exchang
Sent to
New Yorke
Whitehall

That as to the Bill of Exchange in the Lett^r of
their Ma^{ty} hon^{ble} Council of New Yorke, this house
know not any thing of it. It appeares to be Drawne
by his Ex^{ncy} Govern^r Copley, but whether for service
of this Province or not is vnknown to Us nor does
any Request or consent of the Representative Body
of this Province appeare for the Same This Wee
humbly Represent vnto your Ex^{ncies} as the sence of
this house on the premises praying your Ex^{ncies} and the Coun-
cills concurrence therewith.

Signed p Ord^r
W Bladen Clk Assembly
True Copy H Denton C of Concil

May 16th 1695

Councill again Sate & were p'sent as before
Except Esq^r Courts

Capt Philip
Hoskins ap-
pearance &
discharge

Cap^t Philip Hoskins according to Summons
appears at the Board who being Asked by his Ex^{ncy}
the Reason of his Neglect in not coming to the
Speciall Court Constituted for deciding a certain controversy
depending betwixt Cap^t Paul Bickford & Joshua Broadbent of
which said Court he was appointed one of the Justices, for
Excuse sayes, he was so Sick at that time, that he was not able
to Traviell therefore hoped his Ex^{ncy} & the hon^{ble} Board would
not Censure him in a Matter No wayes occasioned by his owne
Neglect, the hon^{ble} Coll John Addison does say that he believes
the same is true & knows that he ever was diligent in dis-
charge of his Duty at County Courts Whereupon the Board
thought fit to acquitt him from further attendance or Censure
about that Matter.

May 18th 1695.

Councill again Sate & were Present as before Except
Coll Greenberry Cap^t Courts & M^r Frisby.

Order abt
Change of
Gunpowder
&^{ca}
Whitehall

Ordered that the Sherriffe of Each County (upon
Sight hereot) forthwith give Notice to the Severall
Military Officers in their Respective Counties, have-
ing Charge of any publick powder belonging to this Province
that Where they find the same to prove bad they take care to
get the same changed this Shipping.

Signed p Order Hen Denton C of Concil.

Coll Cour-
seys Report
Relating to
Sr Edward
Andross &ca

Coll Henry Coursey of Talbot County being admitted in makes the following Report unto his Ex^{ncy} & the Board concerning some discourse he had with his Ex^{ncy} Sr Edmond Andros touching the Colledge in Virginia, Viz^t

Lib. H. D.

That when the s^d Sr Edmond came over into this Province he went to pay his respects to him at Maj^r Sewalls house where in discourse he was telling the s^d Sr Edmond that there was no sort of provision made in this Countrey for the Education of Youth, but that he hoped when the Colledge of Virginia was built it would be of great benefit & Service to all these parts, to which the said Sr Edmond made answer, pish, it will come to nothing.

p. 164

Commissary
Genlls Mo-
tion abt his
Record &ca

Moved by M^r Commissary Gen^{ll} to his Ex^{ncy} in Councill that an Ord^r may pass for the Records of his Office to be lodged in some Roome in this Court house to be fited up for the said End & purpose.

Order abt
County Clk
making oath
to List of
Synes &ca

Upon Representation Ordered that the Clerke of each respective County Court within this Province do for the future (when they draw out a List of the Severall ffines passed in the said Courts to be transmitted to their Ma^{ty} Receiver Generall) make Oath to the same before one of the Justices of the said County before such Returne is made And that the Sherriffs Serve this Order upon the said Clks and Make Returne of their having so done unto this Board withall Convenient Speed whereby ignorance may not be pleaded.

Whitehall

The Councill of Marylands Answer to the Letter by them Rec^d from their Ma^{ty} Hon^{ble} Councill of New Yorke is as follows Viz^t

Ann Arrundell in Maryland May 18th 1695

p 148

the Councill
of Maryland
Lett^r to the
Councill of
New Yorke
answer &ca

Gentl
His Ex^{ncy} has been pleased to Communicate to Us your Letter to him (from no place) of the first of March 1694/5 wherein you take Notice that his Ex^{ncy} your Govern^r Received a Lett^r believed to be from his Ex^{ncy} our present Govern^r though not Signed by him, which if so, was occasioned by Mistake and not designed: Wee therefore send you now here inclosed a Duplicate thereof, as also of the two papers then sent therewith to his Ex^{ncy} your Govern^r Your Lett^r With an Acco^t of Govern^r Copleys Protested Bill & Damages amounting to the Sum^e of 453^l Sterl were sent to the House of Burgesses and their

Whitehall

Lib. H. D. Answ^r thereto is likewise inclosed As to this their Ma^{ty} Governm^t of Maryland being indebted to their Ma^{ty} Province of New York & touching the Bills of Exchange the late Govern^r Copley pass'd and remitted to your Govern^r Wee find Nothing Entred in the Journall of the Councill relateing to that Affaire, And therefore looke upon it as Govern^r Copleys Private Act; But whensoever their Royall Ma^{ty} are pleased to Comānd our Assistance in defence of their Province of New York against the ffrench or others their Ma^{ty} Enemies, All ready and due Obedience shall be given by.

S^r your humble Servants

Munday May 20th 1695.

Councill again Sate and were present

His Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l &^{ca}

Co ^{ll} Henry Jowles	} Co ^{ll} David Brown
Co ^{ll} Nicholas Greenberry	
Thomas Tench Esq ^r	
Co ^{ll} Charles Hutchins	
	} Thomas Brooke Esq ^r
	} Edward Randolph Esq ^r

Order abt Marriage Licenses the profits to be pd to Mr Cheseldyn &^{ca} Ordered that the Sheriffe of each Respective County make inquiry w^h persons are or have been Empower'd to Grant Marriage Lycenses within this Province Since the arrivall of his Ex^{cy} Francis Nicholson Esq^r And that they give directions to such persons Empowered for to Answer and pay the profits thereof unto M^r Kenelm Cheseldyn or order for the use of Doctor Pains Brothers Child, now under his tuition and care.

Order abt Broken Armes to be sent for England &^{ca} Ordered that the broken Armes which lye lodged at M^r Harpers in Petuxant River be by George Plater Esq^r taken care off & Shipt for England to M^r Perry & Lane, and that such as are worth fiting up be fitted & Sent again and the rest disposed off to the best advantage for the use of the Countrey.

Esq^r Randolphs Motion for Leave to Go to England Whitehall The hon^{ble} Edward Randolph Esq^r humbly moves his Ex^{cy} & the Board that he may have Leave to go for England this Shipping signifying his occasions by the following paper Presented. Viz^t

To his Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l & Govern^r in Chief of the Province of Maryland.

May it please your Ex^{cy}

p. 165 After my great Endeavours to Suppress the illegall Trade Carried on in Virginia Pensilvania & this Province, I find that

by the partiality of Juryes & others that I can obtain no cause Lib. H. D.
for his Ma^{ty} upon the most apparent Evidences in the Courts
of Record holden in these Severall plantacōns, but that by
such partiall proceedings the Trade of Importing Goods from
Scotland and the carrying Tobacco directly from the said plan- Whitehall
tations to Scotland &^{ca} is increased, and as yet no Remedy
appeares for regulating such apparent breaches of the Severall
Acts of Trade can be found out without particular directions
from the R^t hon^{ble} the Lords Comission^{rs} of the Treasury &
Hon^{ble} the Commission^{rs} of the Customes. I therefore desire
your Ex^{ncy} in Councill to grant me Leave to goe for England
with this fleet that I may Represent what I find most proper
for their Ma^{ty} Service, all which is Submitted

E Randolph

It being for their Ma^{ty} Service leave is accordingly Granted
him

Mr Dent Sworn their Ma^{ty} Solicitor Gen^l &^{ca} M^r William Dent had administred unto him the
Oathes appointed by Act of Parliam^t instead of the
Oathes of Allegiance & Supremacy & Subscribed to Whitehall
the Test, And was also sworn their Ma^{ty} Solicitor
Gen^l in all Causes except such as he is already retained in for
other persons.

May 17th 1695

Govern^{rs} Demand abt Navall Officers allowance &^{ca} In peruseing over the Navall Officers Acco^{ts}
belonging to the Publick Revenue of this Province,
his Ex^{ncy} is pleased to ask the hon^{ble} Edward Ran- Whitehall
dolph Esq^r Dep^{ty} Auditor &^{ca} whether he has any
power or Orders to allow the Navall Officers 10 p
Cent for paying and receiving the same, which article his
Ex^{ncy} finds the said Navall Officers charge, to which the said
M^r Randolph answers that he has no such power or orders.

Mr Clarke relation of Sr Edmond Andros Shewing him the Colledge in Virga &^{ca} M^r Philip Clarke being admitted says, that he
being in Virginia in company with his Ex^{ncy} S^r
Edmond Andros, he the said S^r Edmond said to him,
I will go and shew you the Colledge, but you'l expect
I should shew you the ffree schole first, but I suppose
this Colledge is to teach Children their A: B: C:—
Coll Jenings & M^r Haymond told M^r Philip Clarke, that the
Reason why S^r Edmond was angry with M^r Blaire was for his
preaching a Sermon wherein he did say, that they who wthdrew
back & did not put forward their helping hand towards the
Building of the Colledge would be Damned.

Lib. H. D. Coll Robotham
p. 166 sworn
Judge of
the Vice-
Admiralty
on the
Eastern
Shore &ca

The hon^{ble} Coll George Robotham had administred unto him the Oathes appointed by Act of parliam^t to be taken instead of the Oathes of Allegiance and Supremacy as also the Oath of Judge of their Ma^{ty} Court of Vice-Admiral on the Eastern Shore & Subscribed to the Test, who at the same time had delivered unto him a Comission for the same &

Whitehall Copy of the said Oath taken together with Comission for Robert Vngle to be Register & Thomas Bennet Marshall of the said Court, having power also given him by his Ex^{ncy} to Administ^r the Oathes Appointed by Act of Parliam^t &ca & Test wth Oath of Register & Marshall vnto the said Vugel & Bennet.

Coll Green-
berry sworne
Judge of
the Vice
Admiralty
on the
Western
Shore &ca

The Hon^{ble} Coll Nicholas Greenberry being constituted Judge of their Ma^{ty} Co^t of Vice-Admiralty on the Western Shore Henry Denton Regist^r and Thomas Collyer Marshall of the said Court, had also Administered unto them the Aforementioned Oathes and Subscribed to the Test.

The forme of the Judges oath is as follows Viz^t

Oath of the
Judge of
Vice
Admiralty

Maryland ss
I Nicholas Greenberry do swear that as Judge of their Ma^{ty} Court of Admiralty in this Province I will doe Equall Right to the Poore & to the Rich in all things that shall come before me according to the best of my power skill and knowledg and according to the Customes Uses & presidents of the said Court, I will to the Utmost of my best Skill & knowledge & according to power See that their Ma^{ty} Rights shall be duely Maintained & all ffynes and fforseitures that shall fall before me shall be duly entered & a fair Record thereof made I will not delay nor hinder Justice nor take any bribe guift or Reward to the Intent to delay pervert or hinder the same but in all things to the best of my Judgm^t will carry and behave my Selfe in the said Office Justly & honestly so long as I shall continue in the same &ca

Whitehall

So help me God

fforme of the Registers Oath, Viz^t

Oath of
Register of
Vice Admir-
alty &ca

You as Clerk or Regist^r of this hon^{ble} Court shall make just & true Entry of all such Judgm^{ts}, Orders, Decrees, Rules, Process or Proceedings that shall be adjudged, Ordered, decreed, Ruled or Proceeded in, by & before their Ma^{ty} most hon^{ble} Judges of the same Court, and a

Whitehall

just true and fair Record you shall duly & truly make or cause Lib. H. D.
to be made thereof; You shall do no falshood nor consent to
any to be done in the Court, And if you know of any you
shall inform his Ex^{ncy} the Govern^r or other Judge of the same
Court that it may be reformed you shall delay no man that has
to do with you in your said Office, either for Envy, hatred or
hopes of gain; You shall increase no ffees but be content with
the ffees limitted or to be limitted by Law or the Order of the
Court; and finally you shall Well & faithfully Execute the
Office of Clerk or Register of this hon^{ble} Court, while you
shall continue in the same, & till you shall be Lawfully
discharged thereof

So help you God.

Forme of the Marshalls Oath Viz^t

p. 167

Oath of Marshall of the Admir-
alty Court &ca You shall Swear that as Marshall of their Ma^{ty}
Court of Admiralty in this Province, You shall well Whitehall
and truly serve their said Ma^{ty} & their hon^{ble} Judge
in all Things appertaining to the said Office and place accord-
ing to the usages; practice & presidents of the said Court in
this Province. You shall duly & truly Execute all such Writts
precepts & process as shall be to you directed issueing out of
the said Court and make due and true Returne thereof, and
see that their Ma^{ty} Rights be duly preserved, You shall delay
no man of Envy hatred or Malice you shall take no bribe to
pervert Justice, you shall do no fraud nor consent to any to
be done in the said Court, And if you know of any to be done
you shall informe their Ma^{ty} Judge thereof that it may be
reformed, and finally you shall well, faithfully & truly behave
yourselfe in the said Office of Marshall of the said Court so
long as you shall continue in the same.

So help you God

May 21th 1695

Councill again Sate & Were Present as Yesterday.

Mr LLew-
ellins Oath
relating to
the publick
Revenue &ca Came M^r John LLewellin and declared before his
Ex^{ncy} in Councill (being sworn upon the holy Evan-
gelists) that he never was imployed or concerned in
collecting or receiving the Imposition of one shill or
two shill p hogshead since the Revolution, or other publick
revenue belonging to the Province, nor Received or tooke into
his Custody any Bills of Exchange for the same but what was
by him delivered up to his Ex^{ncy} Coll Copley decd or to Coll
Ne^a Blackiston by Order of the Committee, Septem^{br} 5th 1690,

Lib. H. D. And that he hath no other or further Acco^t to give relating to the said Revenue to the best of his Remembrance & knowledge.

Read a Lettr from the L^{ds} of the Committee of Trade & Plantacons & Likewise her Sacred Ma^{ty} Ord^r in Council relating to the Cruising of a Vessell to prevent false Traders &c^a Produced and read a Letter from the R^t Hon^{ble} the Lords of the Committee of Trade & fforraign Plantations unto his Ex^{cy} touching hiring Vessells to keepe cruising in this Province & betwixt this & Pensilvania, in Order to prevent illegall & false Traders; Produced also her sacred Ma^{ty} Ord^r in Councils relating thereto as likewise directions and Instructions about the same, upon which his Ex^{cy} desired the advice of the Board therein; who were consenting to the said Matter, if a fit person can be found out to Manage the said concerns.

Order for Drawing Comission for Capt Meech to Cruise &c^a Came Cap^t Thomas Meech, who tendering his service upon that score, & being thought a person well qualified for such an vndertaking; His Ex^{cy} in Council was pleased to Order as it is hereby Ordered that Comission be prepared for him accordingly, he giveing Bond with two sufficient Sureties for the due Execution of the said Trust & that M^r Attorney & M^r Solicitor Gen^l draw the said Comission and Bond & be Regulated in doing the same by the aforementioned Ord^r of Council Lords Lett^r and Instructions aforesaid and that an Instruction be inserted in the said Bond that he in no wise molest or trouble fair Traders but to Assist them And apply himself wholly to the detecting vnfair and illegall Traders, And further Ordered that a Gen^l Warrant be drawn for to Empower him (upon Occasion) to press Seamen provided he pay their Wages; therein Commanding all persons Military & Civill within this Province to be Aiding & Assisting to him in the Just & due Execution of his said Comission: And further Ordered that the Oathes appointed by Act of parliam^t to be taken instead of the Oathes of Allegiance & Supremacy & Oath of Trade & Navigation be administred unto him and that he Subscribe to the Test.

The said Meech Signifying his Readiness to Enter upon the s^d Imploy in a very short time, brought Robert Mason & Philip Clarke both of Sn^t Maries County his securities who Obliged themselves before his Ex^{cy} in Council to Answer all Damages which may any wayes Ensue through Meanes of him the said Meech's fitting out a Vessell to Cruise as a^f^d, And that they will Enter into Bond for the Same, whensoever they shall be thereunto Required.

fforme of a Surveyo^r Co^mission, Dedimus & Oath one Lib. H. D.
whereof sent to each County of the Province, Viz^t

Surveyors
Comission
Granted
&c^a William & Mary by the Grace of God King and
Queen of England Scotland ffrence and Ireland
Defenders of the ffaith &c^a To of County
in our Province of Maryland Gentl: Greeting out of the Speciall
Trust and Confidence Wee Repose in yo^r fidelity care and
Ability to Survey Lands, Wee have thought fit to Constitute
and Appoint, And Wee do hereby these P^rsents constitute,
Ordain & Appoint you the said to be surveyo^r within
all the Limits and Precincts of County asd To have & Whitehall
To hold the said place of Surveyo^r during pleasure together
with all fees, profits, perquisites and Advantages, to the same
belonging or in any wise appertaining Provided you the said
shall well & truly execute all such legall precepts as
likewise comply with and observe all such Instructions as from
time to time (during the Continuance of this Co^mission) shall
or may come directed unto you; Given vnder the Great Seal
of our Province this 21th day of May, in the seaventh year of
our Reign &c^a Annoq Domi: 1695. Witness our Trusty &
well beloved ffancis Nicholson Esq^r our Capt^t Gen^l & Govern^r
in Chief in & over our said Province & Territory aforesaid.

Form of the Dedimus &c^a Indorsed.

p. 169

To the Justices of County Greeting These are to
Authorize & Empower you . . . or any four or more of you
Whereof one to be of the Quorum, to Administer in open Whitehall
Court the Oathes appointed by Act of Parliam^t to be taken
instead of the Oathes of Allegiance and Supremacy unto the
within named & tender the Test by him to be Sub-
scribed to, as also administer unto him the Oath of a Surveyo^r
herewith sent for which this shall be your Sufficient Warrant
Given vnder my hand and Seal this day of in the
seaventh year of the Reign of our Sovereign Lord and Lady
King William and Queen Mary Annoq Domini 1695.

Form of a Surveyo^r Oath

Oath of
Surveyor
of the
Severall
Countyes
&c^a I, C: B: do swear that I will well and truly Execute
& perform the Office of a Surveyo^r within the County
of I will do Right according to my skill and
power to all manner of persons, poore & Rich with
out favour, Affection, hatred or Malice to any person
or persons whatsoever I will without delay well and truly
Execute all such Warr^{ts} & Ord^{rs} for Surveying and Resurvey-
ing Lands within the County asd as from time to time shall

Lib. H. D. come directed unto me from their Ma^{ty} p'sent Govern^r of this Province or any other Authority or Power derived from his Ex^{ty} and make due Return of all Certificates of the same unto such place or places as by the afd Warr^{ts} or Orders I shall be directed, I will increase no fees, nor directly or indirectly Exact, demand, Receive or take any reward off or from any manner of person or persons whatsoever for to Doe right or wrong other than the vsuall allowed fees appointed for the Surveyo^r Gen^l by the Act of Assembly of this Province, having no Reguard to other profit or advantage to me or any other person, And lastly I will in all things discharge my Duty in the Office of Surveyo^r of _____ County afd to the best of my power, Skill & knowledge so long as I shall continue therein. So help me God.

Surveyors for the Severall Countyes constituted Viz^t

List of Surveyors appointed &c

Whitehall	for Sn ^t Maries County . . .	M ^r John Lowe
	for Kent County . . .	M ^r Simon Wilmore
	for Ann Arrundell County . .	M ^r Richard Beard
	for Calvert County . . .	M ^r Edward Balson
	for Charles County . . .	M ^r Joseph Manning
	for Baltemore County . . .	M ^r Thomas Richardson
	for Talbot County . . .	M ^r Solomon Wright
	for Sumerset County . . .	M ^r Edward Green
	for Dorchester County . .	Maj ^r Thomas Ennalls
	for Cæcill County . . .	M ^r Thomas Coursey

May 22th 1695.

p. 170

Councill again Sate & were present as before

Order to the Constables abt the Loss of hogs & Cattle to be returned &c

Ordered that the Constables of the severall and Respective Counties within this Province, at the same time they take a List of the Tythables within their Hundreds that they also take an Exact Acco^t from the Severall house Keepers of the Number or quantity of hogs and Cattle they have lost this year, and make Returne of the same to his Ex^{ty} and this Board with all convenient speed.

Lettr to the Councill of New York Signed by the Councill of Maryland. Govern^r Demand abt the Same

The Severall Members of their Ma^{ty} Hon^{ble} Councill Sign a Letter by them Writt to their Ma^{ty} Councill of New Yorke, in Answer to a Lett^r Rec^d from the said Councill of the 1st of March 1694/5 His Ex^{ty} demands to Know whether any further Answer shall be given than what they have now writ. Who make answer that they do imagin they have Writ full enough already.

Order that James Crawford be discontinued from any publick place of Office &c^a Ordered that if James Crawford of Calvert County Lib. H. D. does at present Officiate any Publick place or places of profit within this Province that he be discontinued from henceforth to Act any further in the Same and that some other person or persons be constituted in his stead.

Presented to the Board by Thomas Tench Esq^r the following Peticōn Viz^t

To his Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l & Gov^r of Maryland in Councill &c^a

The humble Petition of Thomas Tench Esq^r

Esq^r Tench's Peticōn relating to the Tryall of the Ship Ann &c^a & Ord^r therein &c^a Humbly Sheweth That forasmuch as upon a hearing in Matter of Law, vpon a Judgm^t of the Provinciaall Court concerning the Seizure of the Ship Anne from which the s^d Ship was discharged by Verdict & Judgm^t of the said Court, the same Judgm^t is reversed whereby the said Ship is become lyable to a second Tryall, as to the fact, And for as much as the Loading is ready for the said Ship and shee ready to take it in if cleared, or if not the s^d Cargo may be otherwise disposed.

He therefore humbly prayed your Ex^{ncy} to Ord^r Some time for the Tryall thereof with as much speed as Affaires of that Nature in yo^r Ex^{ncies} wisdome shall be thought fitting.

And he shall ever pray &c^a

The said Petition was Ordered to be indorsed thus, Viz^t

By his Ex^{ncy} the Govern^r and Councill

p. 171

May 22th 1695.

Ordered that the within petition be Referred to the severall Lawyers in Town for them to Consult what the Law directs in that Case and th^t they make Report thereof accordingly to this Board.

Signed p Ord^r

Hen Denton C of Concil.

Govern^r Demands of His Ex^{ncy} demands of M^r Tench how the said Ship came to be of so much less Value than she was upon the first appraisem^t and how he came to remove the s^d Ship vnder Seizure to another place, who makes answer that the occasion of so great difference in the appraisem^t was through meanes of the damage she Suffered by the Ice this last Winter, and lying in a Muddy place

Lib. H. D. which Rotted the Cables & Cost two of her anchors; and as to the removing of her he does say she had been cleared by a Speciall Court.

Post Meridiem

Attorneys
Report abt
the Ship
Ann & Mr
Tenches
Motion

Pursuant to the aboue Ord^r of Reference the Sevrall Attorneys in Town bring in their Report, and humbly Offer that the said Shipp is still left vnder Seizure, and that no condemnation can follow, but that she must be Tryed a new—Vpon Motion by Thomas Tench Esq^r made for a Speedy Tryall of the said Ship; proposed by the said M^r Tench, that if liberty may be given him to Remove the said Ship into the ffreshes to secure her from the Worm, And Madam Blakiston perswaded to take off her Replevin laid upon the said Ship he should be content to Stay till the Next Provinciall Court for a Tryall

Richard Har-
rison's Pet to
his Ex^{ncy} &
Councill abt
the Estate of
Mr John Ab-
ington &ca

Richard Harrisons Petition read, praying that his Ex^{ncy} and this Board would be pleased to appoint some honest Man or Men to Mannage & take care off the Estate of John Abington dec^d to the Vse of the persons it belongs to and that he may be Satisfyed a Consid^{able} Debt due to him from the said Estate, Signifying in his said Petition that the Commissary would not permitt him to Administer by reason of his Tenderness of Conscience whereby he could not qualify himself according to Law; but that James Crawford this person to whom Administration had been committed, he did believe did designe some fraud in the Matter, therefore prayed some honest Man or Men might be appointed as aforesaid And thereupon was sent for M^r Commissary Gen^l M^r Crauford & M^r George Ligan. And Accordingly came M^r Commissary, M^r Ligan & M^r Crauford by M^r William Dent his Attorney, the Pet^r being likewise p^{re}sent and after a full debate of the same had, it being made appeare by the said Harrison that the said Crauford is indebted to the said Estate, and that M^r Ligan had some Authority from the Adm^{ty} in England where the said Abington dyed; it is therefore demanded whether the said Ligan would intermeddle there with, And he Accepted thereof Accordingly; M^r Commissary thereupon Acquaints him that Letters of Administration shall be granted him (upon his giving good security) And that Crauford should be called to Acco^t & the Letters of Adm^{ty} Granted him made Void.

Majr Thompson took the Oaths &c & had Comi- cōn for being Naval Officer

Majr John Thompson had administred vnto him the Oathes appointed by Act of Parliam' to be taken instead of the Oathes of Allegiance & Supremacy & Subscribed to the Test, and likewise tooke the Oath of Trade & Navigation and Received a Comission at the Board for Navall Officer of Cæcill County who at the same time Entered into Bond for his due Execution of the said Trust, Coll Casparus Herman being his Security.

Lib. H. D.
Whitehall

fforme of A Navall Officers Comission is as follows Viz'

form of a
Navall
Officers
Comission

Francis Nicholson Esq' Cap' Gen' & Govern' in
Chief of their Ma^a Province in Maryland
To

of County Gentl Whereas by one Act of Parliam' made in the fifteenth year of the Reign of King Charles the Second Entituled an Act for the Encouragem' of Trade amg^t other things it is Enacted for the Better prevention of fraudes That all Ma^a & Comanders of Ships & Vessels Comming into any Land Island Plantation Colony Territory or place belonging to his Ma^a his heires and Successors shall make known to the Govern' of such land Island Plantation &c or such other Person or Officer as shall be by him therevnto Authorized & Appointed in Pursuance Whereof & for the Better Execucon of the said Act & other Rules contained in Severall Acts of Parliam' Relating to the duty of a Navall Officer as also the severall Laws of this Province, I do hereby Authorize and appoint you to be Navall Officer of the Town and Port of in County with full Power & Authority to Exercise the severall Powers therein Contained & to observe all such directions as you shall from time to time Receive from me Relating to the duty of the said Office, And all Officers Civill & Military & their Ma^a Loveing Subjects are hereby desired and Commanded to be aiding and Assisting to you the said in the due Execucon of your Office, Given vnder my hand and Seale at the of this day of in the Yeare of the Reign of our Sovereign Lord the King Anno Domini: 169

p. 173

Militia Officers to give Notice to the Soldiers to provide themselves with Armes &c

Ordered that the Colonel of each respective County give Notice to the Severall Militia Officers vnder their Comand that they publish and Make known to their Respective Troopes and Company's that they provide themselves with Armes & Amunition pursuant to the Act of Assembly of this Province this last Sessions made and Enacted, And that they Slip not the opportunity of Sending by this ffeet. Ordered that

Whitehall

Lib. H. D. Proclamation issue to give Notice of the house of Burgesses
Whitehall agreement made with Cap^t Perry which accordingly issued was
signed by his Ex^{ncy} and passed the Broad Seal of the Province
the Teno^r whereof followeth in these Words Viz^t

By his Ex^{ncy} a Proclamation

Proclama-
tion for Set-
ling the post
stages

Whereas the Burgesses and Delegates at a Gen^l
Assembly of this Province begun & held at Annapo-
lis the Eighth day of May instant have thought fit/
for their Matⁿ Service & benefit of the Countrey & promoting
the post Office to appoint and Settle Some person of Trust
and integrity to keep going betwixt the River of Potomock in
Maryland & Philadelphia in Pensilvania in the Nature of a
Post for the quick and speedy dispatch of Letters &^{cs} And for-
asmuch as the said Burgesses & Delegates have Entered into
agreem^t with one John Perry who has vndertaken the said
Employ I have thought fit (for informacon of the inhabitants of
p. 174 this Province) to Publish and Make known & I doe hereby
Publish and Make known that the agreem^t af^d and Stages
Allotted for the said Post to goe are in manner following layd
downe (that is to Say) Eight Times in every Year betwixt
Potomock and Philadelphia aforemencōned & is to begin at
Newtons Points upon Wiccocomaco River in Potomock & from
thence to go to Allens Mill from Allens Mill, to Benedict
Leonard Town, from Benedict Leonard Town over petuxant
River to M^r Lingaus, from M^r Lingaus, to M^r Larkin's, and so
to South River and Annapolis formerly Ann Arrundell from
thence to Kent & so to William Stadt formerly Oxford, and
from thence to Dan^l Toas's and so to Adam Petersons and
frow thence to New castle & so directly to Philadelphia &
Returne the same Way back again to Potomock And at all those
places Receive Carry, bring, & Leave all Pacquets and Letters
of & from the Inhabitants of this Province at his Nearest
Stages according to the Directions of the Same, for which he
is to take no gratuity or Reward for carrying any Lett^{rs} from
this Province to Philadelphia or bringing any from Philadel-
phia hither & delivering the same according to directions at
his Nearest Stages And if further Occasion Require he is to
goe to New Yorke Virg^a or else where as by me he shall be
directed for which the Assembly of this Province have agreed
to Allow the Sume of fifty pounds Sterl Yearly And to the
End due Notice hereof may be given I hereby comānd the
Sherriffes of the Province to Make Proclamation hereof in the
Most Publick and convenient places within their Respective
Counties. Given at Annapolis Under the great Seale of the

Province this 22th day of May in the seaventh Year of his Lib. H. D.
Ma^{ty} Reign Annoq Domi: 1695.

God Save the King

ffr: Nicholson

True Copy from off the Originall

H Denton C of Concil

The abousaid Post is to Set forward his stages from Newtons point (God Willing) the last Munday in June next and this is to give notice that all Letters that are brought or Sent to the Port of Annapolis are ordered to be delivered into the Secretaries Office for all persons, to have Recourse to.

Mr Platers
Oath to his
Collection
of the 1st p
hhd
Came George Plater Esq^r and produced to the p. 175
Board his Acco^{ts} of Collection of the 1st p hogshead
Impost within the districts of Petuxant and Poto-
mock which made Oath that the same were just and
true Acco^{ts} during his Officiating the Navall Officers place for Whitehall
those two Districts

Mr Philip
Clarks Oath
to his Acco^{ts}
of the 1st p
hhd
Came M^r Philip Clarke & made Oath to his Acc^t
of Collection of the 1st p hhd Impost within the Dis-
trict of Potomock af^d that the same is a just & true Whitehall
Acc^t during his time of Officiating that place.

Majr Robt
Kings Oath
to his Acc^t
of the 1st p
hhd
Delivered in at the Board Maj^r Rob^t King his
Acc^t of the 1st p hhd Impost by him Collected within
the District of Pocomoke & sworn to before his
Ex^{cy} the Govern^r in Presence of Thomas Tench &
Edward Randolph Esq^r two of their Ma^{ty} hon^{ble} Councill and
George Layfield Esq^r their Ma^{ty} Collector of Pocomock Dis- Whitehall
trict, that the same is a Just & true Acco^t

3^{ths} of the
1st p hhd
Order'd to
be paid to
his Excell
Ordered that the said severall Officers pay unto
his Ex^{cy} the Govern^r the three fourth parts of the
aforementioned Impost by them Collected since the
Arrivall of his Ex^{cy} upon his Ex^{cy}s Warrant unto Whitehall
them directed for the same; and that the remaining fourth part
be duly applyed towards the maintaining the Magazine with
Arms & Amunition for the defence of this Province pursuant
to his Sacred Ma^{ty} Royall Instructions.

Came George Plater Esq^r their Ma^{ty} Receiver Gen^l &
acknowledged that he had Received according to his Ex^{cies}
Ordⁿ and directions p^rsently after his Arrivall in Bills & other- Whitehall
wise to the full Vallve of the ffourth part of the 1^d p hhd as by
the above three Acco^{ts} adjusted appeares, and had sent to Cap^t
Pagan for the severall Armes &^{ca} following pursuant to Ord^r

Lib. H. D. At the same time his Ex^{ty} gave order to M^r Plater that notwithstanding the Acco^t of the quarter part of the 1st pth hhd this Year cannot be at present made out & Adjusted yet that
 Whitehall he should Remitt to Cap^t Pagan as much Money as he findes the same will amount to & likewise gave Order to M^r Clarke to send Bills of Exchange to M^r Plater for the quarter part which this ffeet should come to his hands and further that the said M^r Plater remitt out of his Ex^{ty}'s owne private Acco^t the sume of 12^l sterl: upon Acco^t for the quarter part of the said 1st pth hhd which is supposed may be collected by Maj^r King Navall Officer of Pocomoke but the Acco^t thereof & Bills for the same cannot with conveniency be adjusted & sent hither to go with this ffeet, therefore does for the vse of the Countrey, disburse the said sume, the said Maj^r Kings last yeares Acco^t for the quarter part amounting to about that Summe, All which said Bills of the quarter part so to be remitted are by the said Cap^t Pagan to be disbursed & laid out for the purchasing the following Armes &^{ca}

p. 176

An Acco^t of Armes sent for last

Shipping Viz^t

Twenty Dragoons bridles and Saddles.

Ten hand Mortars such as the two Companies at Tangier had sent them when my Lord Dartmouth was there To inquire of S^r Henry Goodrick or Some other Officers at the Tower of the price and where they are to be had, with one hundred hand Granadoes fit for those hand Morters and ffuzees with proper wadding & directions how to use them.

Halfe a dozen instrum^{ts} to Trye powder with & the rest of the 250^l sterl. to be laid out in Granaderes Armes, Viz^t slung fuzees Sanguind or otherwise fited the best way to keep them from Rust and Byonets fit for the Bore of the fuzees with large Cartouch Boxes to hold betwixt two or three dozen of Carthrages and to send good hatchets. The Cartouch box to goe upon one belt and the hatchet & Byonet in two hangers upon the same belt & pouches to carrye the Granadoes in.

An Acco^t of Armes &^{ca} now Ordered to be sent for Viz^t

Iron worke for ffifty wheel barrows.

ffifty Shovels & ffifty Spades, 25 pick Axes & 25 mattocks.

Two Union flags with Lines a Large & a little one.

Six Dragoon Drums & two spare heads for each & Six brass trumpets 10,000 flints for horse & 10,000 flints for foot, 2000 Weight of Bullets for Muskets.

2000 for Carabines & 2000 for pistolls.

200 Granado shells more, Answerable to the Mortars sent Lib. H. D.
for, the Rest of the Money to be laid out, the one Moiety thereof
in Carabines with bells and Sweevels and the other Moiety
in pistolls plain and strong.

Ten budge barrells to carrye powder in.
ffifty hand bills.

Cap' Pagan desired to send in these things & that Money
he Remitted to him, Viz' quarter part of the 12^d p hogshead.
Hen Denton C of Concil.

Warrant from his Ex^{acy} the Govern^r upon George Plater
Esq^r late Navall Officer of Petuxant & Potomock District for
the sume of 682^l 04^s: 08^d: sterl sent directed as follows Viz'

His Ex^{acies} You are pursuant to his Ma^{ty} Royall Instructions p. 177
Warrt to Mr to me bearing Date at Whitehall the Eighth day of
Plater to March 1693/4 Viz' And whereas by an Act past in
pay him 682^l 04^s 2d the Assembly in Maryland the 30th day of Aprill
1679 An Impost of Two shill p hogshead is laid upon
all Tob: exported out of our said Province, one Moiety
of which Impost is by the said Act appropriated for the Use
& Support of the Governm^t Our Will & Pleasure is that
towards the Maintenance of the Governm^t of our said Prov-
ince you take to your owne Use three fourth parts of the said
Moiety of the Impost of Two Shill p hhd of Tob^e appropri-
ated as aforementioned by the said Act, And you are to Take
especiall care that according to the intention of the said Act,
the remaining ffourth part of the Moiety of the said Impost
be duly applyed towards the Maintaining a constant Magazine
with Arms & Amunition for the Defence of our said Province
And by an Order of Councill this day, to pay unto me the
sume of Six hundred & eighty two p^{ds} four shillings two pence
farthing sterl: for which this shall be your Sufficient Warrant
Given under my hand this 22th day of May in the 7th year of
his Ma^{ty} Reign &^{ca} Annoq Domini 1695.

To George Plater Esq^r late }
Navall Officer of Petuxant }
& Potomock Districts }

These

His Ex^{acies} The same upon M^r Philip Clarke, Navall Officer
Warrt to of Potomock District for the sume of Eighty four
M^r Clarke pounds Eighteen shillings & Nine pence sterl.
to pay him
84: 18: 09:

His Ex^{acies} The same upon Maj^r Robert King, Navall Officer
Warrt to of Pocomoke District for the Sume of Thirty Seaven
Maj^r King pounds, fourteen shillings & Eleven pence halfe
to pay him
37: 14: 11 ½
peney st^l

Lib. H. D.

May 23th 1695.

Councill again Sate & were Present.

His Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l &^{ca}

Coll Henry Jowles	}	Coll Charles Hutchins
Coll Nich ^o Greenberry		Coll David Browne
Thomas Tench Esq ^r		

Coll Coods
Oath to his
Acco^t of the
1st p hhd &
of the Acco^t
depending
betwixt him
& the
Governm^t

Came Coll John Cood & made Oath before his Ex^{ncy} in Councill to Severall Acco^{ts} to which he had signed, relating to the 1st p hhd by him Collected within the District of Potomock, that the same were just & true Acc^{ts} and that he knew not off or had any other Acc^{ts} to render; the Acco^t depending betwixt him and the Governm^t being then likewise delivered and sworne to.

p. 178 Mr Sam^l
Cooksey
makes Oath
to severall
Acco^{ts} of the
1st p hhd

Came Samu^{el} Cooksey late Navall Officer of Potomock District who made Oath before his Ex^{ncy} in Councill to severall Acco^{ts} to w^{ch} he had Signed relating to the 1st p hhd by him Collected within the District of Potomock, that the same were just and true Acco^{ts} and that he knew not off or had any other Acco^{ts} to render.

Mem that one of the s^d Acco^{ts} he makes Oath to be only a true Copy, having signed to the same in behalfe of Coll Cood.—

Coll Cood
Order'd to
demand of
Madam
Blackiston
a full Acco^t
of the
Revenue
Collected by
Coll Black-
iston in his
life time

Ordered that Coll John Cood high Sherriff of Sn^t Maries County go to the house of M^{rs} Eliz^a Blakiston and Demand of her a full Acco^t of all the Revenue by Coll Blakiston in his life time Collected, during his Officiating in that place, as well of the 4^d p gall upon Liquo^{rs} the 14^d p Tun, as of the Duty of one shill p hhd: Impost &^{ca} which said Acco^{ts} by you Received or what you do therein you are to make returne unto his Ex^{ncy} with all possible Speed.

Mr Plater
Order'd to
Demand of
Madam
Bourn all
Books
Writings
& papers
relating to
the Revenue
&^{ca}

Ordered that George Plater Esq^r go to the house of M^{rs} Eliz^a Bourn & make demand of her delivery unto him, all Bookes Writings & papers, relating to the Publick Revenue of this Province, not yet delivered pursuant to an Oath by her taken in Councill to the said Effect, and that the said M^r Plater make return of what he Receives or does therein unto his Ex^{ncy} with all possible Speed.

Under neath the said Ord' was thus written, Viz'

Lib. H. D.

Mr Plater M^r Plater

Order'd to

Appoint

Deputies at

Annapolis

& W^m Stadt

&c^a

You are likewise by Order abovesaid to give Notice to the severall Ma^rs of Ships as they come to Cleare, that such Ships as for the future come to the port of Annapolis or William Stadt, that they go directly to the said Ports for to Enter, Officers being there appointed for their Entring &c^a

You being hereby likewise Ordered to appoint & place Dep^y Collectors vnder you in the said two places, and you are further to give Notice that such Ships as go into Cæcill County, Stop at Annapolis to Enter, & not at Petuxant. Lastly if the ships have not Entered & Cleared with Maj^r Smithson, that they be Entered & cleared by you or your Dep^y there till further Ord^rs from his Ex^{ncy}

John Watson Esq^r his Petition praying to be dismissed from further serving at the Prov^l Court is dismissed accordingly, by reason of his remote living from this place.

Ann Arrundell in Maryland May 23th 1695

Mr Denton's
Lett^r to the
Council of
New Yorke
&c^a

May it please your hon^{rs}

A Letter of the Eighteenth instant being directed from their Ma^{ty} hon^{ble} Council of this Province unto

Your hono^{rs} Wherein it is said Your Lett^r wth an Acco^t of Govern^r Copleys protested Bill and Damages amounting to the sume of 453^l sterl: were sent to the house of Burgeses And their Answer thereto inclosed; this comes to signify to your hon^{rs} that (by my inadvertency & Neglect to whom the care of makeing up that pacquet was committed) I forgot to inclose the said Answer but have herewth sent it, hoping your hon^{rs} will be pleased to pardon this Error comitted & therein I shall always wth thankfull Remembrance acknowledg the favour done to your Hono^{rs} Most Oblidged & Humble Servant

Hen. Denton

Mr Carrolls
Deed from
Govern^r
Nicholson
for the
Countrey
house at
the City of
S^t Maries

William & Mary by the Grace of God King and Queen of England Scotland ffrance and Ireland Defenders of the ffaith &c^a To all persons to whome these presents shall come Greeting Know Yee that Whereas Thomas Notley Esq^r one of the former Govern^{rs} of this our Province under the R^e Hono^{ble} Charles Lord Baltemore Lord & Proprietary of the same did, by his certain Lease under the Lesser Seale of the said Province bearing Date the fourteenth day of Jan^y 1678: (for & in consideration of the Rents and Covenants therein

Lib. H. D. Expressed) Demise Set and to farme Lett unto one John Baker late of our City of Sn' Maries In holder decd a certain Messuage or Tenem' scituate Lying and being within the aforesaid City commonly known and called by the Name of the Countrey house, together with one Acre and one fourth of an Acre of Land to the said Messuage belonging with all out houses Edifices &^{ca} for & Dureing the Terme of Twenty five yeares being Butted and Bounded as by the said Lease remaining upon Record in the Secretaries Office of this our said Province relation being thereunto had May fully & at Large appeare w^{ch} said Messuage Land And Premisses Elizabeth Baker Widow and Relict of the said John hath since the Death of the said John Her husband Transferred and made over her remaining Right Title & interest of in and unto the said Lease with all the Priviledges and Advantages therevnto belonging unto Charles Carroll of the aforementioned City Gentl. his heirs and Assignes Now Forasmuch as the said Charles Carroll hath by his humble petition vnto the Gov^r and Councill of our said Province set forth his being possessed of the said Land and Premisses in Manner afore Expressed, Withall certifying that one side of the said house and the whole covering is now quite decay'd and unless speedily Repair'd will fall to the Ground and therefore humbly praid some longer time of years might be aded to the said Lease he intending to make all the Walls of the said house of Brick and new Cover the same, Which said Peticōn being sent up to the house of Burgeses was agreed to and Granted that the Remaining part of the Lease might be made up Twenty one Years upon the conditions afore mentioned By vertue whereof We have for and in consideracon of the Rents and Covenants hereafter mentioned to be paid done and performed by the aforementioned Charles Carroll Demised Granted Set and to farme Lett and by these p'sents Doe Demise Grant, set and to farm Lett unto the said Charles Carroll all that afore mentioned Messuage or Tenem' and Dwellinghouse scituate lyeing and being in the City of Sn' Maries aforesaid comonly called the Countrey house and now in the Possession of Miles Burroughs together also with one Parcell of Land to the same house belonging, according to Certificate of Survey thereof made the nineteenth day of June 1678, and Remaining upon Record in the Secretaries Office; called the Govern^r ffreind Shipp being Butted and Bounded in manner following, That is to say Begining at a Stake in the Ground over against a Street called Middle Street it being on the Western side of the Land laid out for Mark Cordea called Cordeas hope & runing from thence by a Line drawn two degrees South of the West and without the porch of the Countrey house Eight perches & six foot To a Stake in the Ground and from thence with a Line drawn two

Degrees West of the North Twenty four perches to a nother Stake in the Ground near the land of Garret Vansweringen and from thence with a Line Drawn two degrees North of the East untill it intersect a Line drawn Two degrees West of the North from the first Stake laid out for one Acre and one fourth of an Acre or thereabouts more or less To have and To hold the said Messuage or Tenem^t and the said one Acre and one fourth of an Acre of Land afd to the same Messuage or Tenem^t belonging with all houses and Eddifices to the same belonging unto him the said Charles Carroll his Ex^{tn} Adm^{tn} and Assigns from the fourteenth day of Jan^{ry} next ensueing to Commence for and Dureing and untill the full end and Terme of Twenty one Years fully to be compleat and Ended Yeilding and Paying therefore Yearly and every Year dureing the said Term unto Us our Heirs and successors at the City of Sn^t Maries at the feast of the Nativity of our Lord one Bushell of good English Wheat when (by our Receiver Generall or his Substitute) the same is Legally demanded, And the said Charles Carroll in consideracon of the said Demise and Grant of the Premises afd doth for himselfe his Ex^{tn} and Adm^{tn} covenant promise and agree to and with us our Heirs and Successors afd and is hereby Obliged with what convenient Speed that may be to cause the said Messuage or Tenem^t called the Countrey house, Namely all the Walls of the said house to be substantially built up and made of Brick and the Roofe of the same to be new Covered and all other the houses to the same belonging and upon the said Land Erected to be well and Sufficiently repaired and mended with all such Necessary Reparacōns and Amendem^{ts} as shall be thought needfull and requisite to make the Same Tenentable and fit to dwell in and shall also cause the said one Acre and one fourth of an Acre afd to be fenced in wth good and Sufficient Pales and the said Messuage or Tenem^t and Land afd And all the houses thereupon Built or hereafter to be built dureing the Continuance of the said Lease shall keep in such good and Tenentable Repaire & the same so Repaired Amended ffenced and impaled shall at the Expiracōn of the said Terme of Twenty one Years Yeild and Quietly and Peaceably deliver vp unto the Governo^r or Commander in Chief of our said Province Whomsoever the same shall then happen to be for the Use of Us our heirs and Successors. Given at Ann Arrundell Town in Ann Arrundell County under the Lesser Seale of our said Province of Maryland the twenty fifth day of May—in the Seaventh yeare of our Reigne Anno Dom. 1695. Witness our Trusty and well beloved Francis Nicholson Esq^r Cap^t Gen^l and Governo^r in Chief in and over our said Province and Territory of Maryland

ffr: Nicholson

Lib. H. D.

Lib. H. D. The two following Ord^s by Command of his Ex^{ncy} the Govern^r
p. 179 issued as follows, Viz^t

By his Ex^{ncy} the Govern^r &^{ca}

May 28th 1695.

The Vestry's
Order'd to
comply with
the severall
directions
Enjoyn'd
them by the
Additional
Act for Re-
ligion & to
make Return
of their pro-
ceedings &^{ca}

Ordered that the Sherriff of each respective County forthwith give notice to the Vestry's of the severall parishes within their Counties th^t without faile they punctually comply with all & every the particulars and Directions enjoyn'd them by a certain Act Intituled an Addicōnall Act to the Act of Religion, as also make Return of all their pceedings at any time had and taken (if not already return'd pursuant to former Order) as likewise of their due compliance with the aboue mentioned Act, Unto his Ex^{ncy} at Annapolis, by August Court next, Under paine of being proceeded against according to Law, And further Ordered that the Sherriffs take a particular Acco^t of the parties to whom they give such notice & make return of the same at the day and place afd. under risk of being displaced.

By his Ex^{ncy} the Govern^r &^{ca}

May 28th 1695.

Justices of
the County
Courts to
finish all
Business
&^{ca}

Ordered that the Justices of the Severall County Courts within this Province ffinish and determine all Causes now depending in the said Courts either this next June Court or in August Court after at farthest, Under the pain and perill that may fall thereon, And that the Sherriffs cause this Order to be read in Open Court.
Hen Denton C of Concil.

p. 180 Robt Smith
Esqr Comis-
sion for
Surveyor &
Examiner
Genll &^{ca}

William & Mary by the Grace of God King and Queen of England Scotland ffance and Ireland Defenders of the ffaith &^{ca} To Robert Smith of Talbot County Esqr Greeting Out of the especiall Trust and Confidence Wee Repose in your fidelity truth & integrity as also in your Skill & knowledge of Surveying Lands & exactness in taking & Laying down the plats of any Survey made, Wee have constituted Ordained and Appointed And by these presents Wee do Constitute Ordain & appoint you the said Robert Smith to be our Surveyor and Examiner Gen^{ll} within all the limitts & precincts of our Province of Maryland Giveing & Granting vnto you hereby full power & authority to inspect & Examine all manner of Certificates of Survey or Resurvey of Land & plats of the same which at any

time or times (during the continuance of this our Commission) shall (by any the Surveyor^s Commissionated under Us) come directed unto you, and the same return into such proper Office or Offices according to Teno^r of the same, if they be Regular Surveys and not otherwise To have & To hold the said place of Surveyor and Examiner during pleasure, together with all fees, profits perquisites and Advantages therevnto belonging or in any wise appertaining according to settlem^t of the Same by Act of Assembly of our said Province in that case made and Provided, Witness our trusty and well beloved Francis Nicholson Esq^r our Cap^t Gen^l and Governo^r in Chief in and over our said Province and Teritory aforesaid. Given vnder the Great Seal of our said Province the 25th day of May in the Seaventh year of our Reign &^{ca} Annoq Domini 1695. Lib. H. D.

Sr Thomas Laurence Bond to his Ex^{ncy} for 200l sterl penalty &^{ca} Know all men by these presents that I S^r Thomas Laurence Baron^t Secretary of Maryland am holden and firmly bound Unto his Ex^{ncy} Francis Nicholson Esq^r in the full sume of Two hundred pounds of good & Lawfull Money of England. To be paid to the said Francis Nicholson his heirs or Assignes To the which paym^t well and truly to be made I bind my Selfe my heirs Ex^{na} & Adm^{ts} firmly by these presents Sealed with my seale and dated this 14th day of November in the sixth year of their Ma^{ty} Reigne Anno Domi. 1694.

Whereas his Ex^{ncy} the said Francis Nicholson hath this day drawn three severall Bills of Exchange on Mesiers Macajah Perry Thomas Lane and Richard Perry Merch^{ts} in London all of one Tenno^r & date & payable at sight to the said S^r Thomas Laurence Baron^t for the sume of one hundred pounds sterl. if the said sum of one hundred pds sterl shall be well & truly Satisfyed and paid upon the Bills of Exchange to the said S^r Thomas Laurence according to the tenn^r of the same bills Then The Condicon of this Obligation is such that if the said S^r Thomas Laurence his heirs Ex^{na} or Adm^{ts} do & shall well and truly within or at the Expiracon of twelve months from the receipt of the said one hundred pounds sterl upon the said bills Satisfy and pay to the said Francis Nicholson Esq^r his heirs or Assigns the said Summe of One hundred pounds Sterl Money of England with Lawfull Interest for the Same without fravd or Covin p. 181

Sealed and Dld in presents of Thomas Laurence seal'd
F^d Randolph
Will^m Dent

Know all men by these p'sents that wee S^r Thomas Laurence Baron^e and Principall Secretary of Maryland and Robert Mason of S^r Maryes County Gen^r are holden and firmly bound unto his Ex^{ty} Francis Nicholson Esq^r Cap^t Gen^r & Govern^r in Chief of this their Ma^y Province of Maryland in the full sume of ffive hundred pounds good and Lawfull Money of England to be paid to the said Francis Nicholson his heirs or Successors Govern^r of Maryland To the which paym^t well and truly to be made Wee bind ourselves our heirs Ex^{ty} and Admⁿ Joyntly and Severally for & in the Whole firmly by these p'sents Sealed with our Seales and dated this day of November Anno Dom 1694

The Condiçon of this Obligacon is such that whereas the above mencōned Francis Nicholson Esq^r Govern^r of Maryland as afd hath this day granted Unto the aboue bound S^r Thomas Laurence a pmitt to transport himselfe out of this Province with directions to all Ma^y of Ships or other Vessells that they may Safely Transport the said S^r Thomas Laurence as afd In as much as his said Ex^{ty} Francis Nicholson Esq^r had taken sufficient caution & Security for the paym^t of such Debts (if any) as the said S^r Thomas Laurence doth owe in this Province According to the Act of Assembly of this Province If therefore the said S^r Thomas Laurence and Robert Mason or either of them their heirs or Assigns shall in all respects Indempnifye his said Ex^{ty} Francis Nicholson Esq^r for his granting the said pmitt or Lysence To the said S^r Thomas Laurence According to the Tenno^r of the said Act of Assembly that then this Obligacon shall be void or Else to stand in full force and virtue in Law.

Sealed and Dld in presence of
F^d Randolph
Will^m Dent

Thomas Laurence [Seale]
Rob^t Mason [Seale]

p. 182 Maryland ss

Know all men by these presents that We Philip Clarke & Robert Mason of the Province of Maryland Gentl are holden & firmly bound Unto his Ex^{ty} Francis Nicholson Esq^r Their Ma^y Cap^t Gen^r and Chief Govern^r of this Province in the full & just sume of one Thousand pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esq^r his Ex^{ty} Admⁿ or Assignes to the which payment Well and truly to be made, We bind ourselves & either of Us by himselfe our & either of our heires Ex^{ty} & Admⁿ Joyntly & severally for the Whole and in the Whole firmly by these presents Witness our hands and Seales November 19th 1694

The Condicon of the aboue written Obligacon is such That Lib. H. D
Whereas his Ex^{cy} Francis Nicholson Esq^r hath Comissionated
and appointed the said Philip Clarke to be Navall Officer,
from Point Lookout to Port Tobacco in the River of Potomock
in the said Province of Maryland by his Comission bearing
equall date with these p^rsents; Now if the said Philip Clarke
shall well and truly p^rform the said Office according to the
severall Acts of Parliam^t in that case made and provided, And
shall Observe the directions Contained in the Acts of Assembly
of this Province, Relating to the Duty of Navall Officers, &
from time to time, Save defend and keep harmless the said
Francis Nicholson Esq^r from all dammage losse & Charges
that he the said Francis Nicholson Esq^r shall sustain at any
time by Reason of the said Philip Clarkes non-performance
of his said Office (so long as he shall enjoy the same) as in
the said Severall Lawes is enacted & Ordained Then the
aboue Obligation to be void & of none Effect, otherwise to
bee & Remain in full force & Vertue

Sealed Signed & Delivered
in the Presence of us
Thomas Tench
F^d Randolph

Philip Clarke [Seale]
Rob^t Mason [Seale]

Maryland ss

Mr Briscoes Know all men by these presents that wee Thomas
Navall Office Bond of p^rformance &ca
Briscoe of the Province of Maryland Gentl and S^r
Thomas Laurence Baron^t Are holden & firmly bound
vnto his Ex^{cy} Francis Nicholson Esq^r their Ma^{ty}
Cap^t Gen^l & Chief Govern^r of this Province in the full & just
sume of one thousand pounds of Lawfull Money of England
to be paid to the said Francis Nicholson Esq^r his Ex^{ty} Adm^{ty}
or Assigns to the w^{ch} paym^t well and truly to be made wee
bind ourselves & either of Us by himsele our & either of our
heires Ex^{ty} & Adm^{ty} Joyntly & severally for the whole & in
the whole firmly by these p^rsents Witness our hands & Seales
November 6th 1694.

The Condition of the aboue written Obligation is such that p. 183
whereas his Ex^{cy} Francis Nicholson Esq^r af^d hath Comission-
ated and Appointed the said Thomas Briscoe to be Navall
Officer for the district of Petuxant River within the said
Province by his Comission bearing Equall date with these
presents Now if the said Thomas Brisco shall well and truly
perform the said Office According to the several Acts of
Parliam^t in that Case made & Provided and shall Observe the
directions contained in the Acts of Assembly of this Province
relating to the Duty of Navall Officers And from time to time

Lib. H. D. Save defend and keep harmless the said Francis Nicholson Esq^r from all damage loss and charges that he the said Francis Nicholson Esq^r shall sustaine at any time by reason of the said Brisco's nonperformance of his said Office (so long as he shall enjoy the same) as in the said Severall Laws is Enacted & ordained then the Above Obligation to be void & of none Effect otherwise to be and Remaine in full force and vertue.

Sealed and Delivered in	Tho: Brisco	[Seale]
the presench of Us	Thomas Laurence	[Seale]
Thomas Tench		
Fd Randolph		

Maryland ss

Maj^r Kings Know all men by these p'sents that wee Rob^t King
Navall Office and George Layfield of the Province of Maryland
Bond of per- Gentl. are holden & firmly bound unto his Ex^{cy}
formance Francis Nicholson Esq^r their Ma^{ty} Cap^t Gen^l and Chief Gov-
ern^r of this Province in the full and just sume of One thous-
and pounds of Lawfull Money of England to be paid to the
said Francis Nicholson Esq^r his Ex^{ty} adm^{ty} or Assigns to the
which paym^t well & truly to be made Wee bind ourselves and
either of us by himsele our & either of our heirs Ex^{ty} & Adm^{ty}
Joyntly & severally for the whole and in the whole firmly by
these presents Witness our hands & Seales this 17th day of
November 1694

The Condition of the aboue written Obligacon is such that
whereas his Ex^{cy} Francis Nicholson Esq^r a^d hath Comission-
ated & Appointed the said Rob^t King to be Navall Officer for
the District of Pocomocke within the said Province by his
Comission bearing equall Date with these presents. Now if
the said Rob^t King shall well & truly performe the said Office
according to the severall Acts of Parliam^t in that Case made
and Provided & shall Observe the directions contained in the
Acts of Assembly of this Province relating to the duty of
Navall Officers And from time to time save Defend & keep
harmless the said Francis Nicholson Esq^r from all Damage
loss & charges that he the said Francis Nicholson Esq^r shall
Sustain at any time by reason of the said Kings non perform-
ance of his said Office (so long as he shall enjoy the same) as
is in the said severall laws Enacted & Ordained then the aboue
obligacon to be void & of none effect otherwise to be and
remain in full force & vertue

Rob ^t King	[Seale]
George Layfield	[Seale]

Sealed & Delivered in the presents of us
Fd Randolph
Hen Denton

Cap^t Dents Maryland ss

Lib. H. D.
p. 184

Navall Office
Bond of per-
formance &c Know all men by these presents that Wee Cap^t Will^m Dent & M^r Cleborne Lomax Gentl. of Charles County in Maryland are holden & firmly bound Unto his Ex^{ncy} Francis Nicholson Esq^r their Ma^{ty} Cap^t Gen^l & Chief Govern^r of this Province in the full & Just sume of one thousand Pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esq^r his Ex^{ty} Adm^{ty} or Assigns to the which paym^t well & truly to be made Wee bind ourselves & either of Us by himsele our & either of our heirs Ex^{ty} and Adm^{ty} Joyn^{tly} & severally for the whole & in the Whole firmly by these presents, Witness our hands and Seales November 19th 1694

The Condition of the aboue Written Obligation is such that Whereas his Ex^{ncy} Francis Nicholson Esq^r hath Comissionated & appointed the said Cap^t Will^m Dent to be Navall Officer for the Upper parts of Charles County that is to say begining at Porttobacco & so Vpwards to the head of the said County in the said Province, by his Comission bearing equall date with these presents, Now if the said Cap^t Will^m Dent shall well & truly pform the said Office according to the severall Acts of Parliam^t in that case made & Provided, & shall observe the Directions contained in the Acts of Assembly of this Province relating to the Duty of Navall Officers & from time to time Save Defend & keep harmless the said Francis Nicholson Esq^r from all Damage Loss & Charges that he the said Francis Nicholson Esq^r shall Sustaine at any time by reason of the said Cap^t Will^m Dents non pformance of his said Office (so long as he shall Enjoy the same) As in the said severall Lawes is enacted & Ordained, Then the aboue Obligation to be Voyd & of none effect, otherwise to be & remaine in full force & Virtue

Sealed & Delivered in the
Presence of Vs
Thomas Tench
Fd: Randolph

Will^m Dent [Seale]
Cleborne Lomax [Seale]

Maryland ss

Mr Mus-
champs Col-
lectors bond Know all men by these presents that Wee George Muschamp Collector of Wiccocomaco and Potomock Rivers in Maryland Coll Rob^t Quarry of Pensilvania & John Edmondson of Maryland Merchant are held & firmly bound vnto our Sovereign Lord & Lady King William & Queen Mary in the full and just sume of five hundred pounds Sterl to be paid unto them or their Lawfull Successors to which paym^t well and truly to

Lib. H. D. be made Wee binde Us our heirs Ex^{ts} and Adm^{ns} joyntly and
 Severally firmly by these presents Witness our hands And
 p. 185 Seales this Seaventeenth day of November 1694 The Condi-
 tion of the aboue Obligation is such that if the abouesaid
 George Muschamp Doe well and truely Discharge & performe
 the Office of Collector of all their Ma^{ties} Rates Duties and
 Impositions Due to their Ma^{ty} in Wicocomaco & Potomock
 Rivers in Maryland that he Observe all such Instructions &
 Ord^{rs} as from time to time as he shall receive from the hon^{ble}
 the Com^{rs} of their Ma^{ty} Customes in England or from any per-
 son by them appointed or Authorized thereunto As also to
 Observe the Orders of his Ex^{cy} Coll Francis Nicholson Gov-
 ern^r of the abouesaid Province relating to the Due Execution
 of the Acts of Trade & Navigation in the said Province that
 then this Obligation to be void and of none Effect otherwise
 to be and remaine in full force and Vertue

Signed Sealed & Dld by M^r Mus- } G. Muschamp [Seale]
 champ & M^r Edmondson in the } John Edmondson [Seale]
 Presence of his Ex^{cy} in Councill } Rob^t Quary

Hen Denton Clk Concil
 Fd Randolph
 George Plater

Maryland ss

Capt Hills Know all men by these Presents that wee Richard
 Navall Office Hill and Samuell Young of the Province of Mary-
 Bond of land are holden and firmly bound Unto Francis
 pformance Nicholson Esq^r their Ma^{ty} Cap^t Gen^l and Chief Govern^r of
 this Province in the full & Just sume of one thousand pounds
 of Lawfull Money of England to be Paid to the said Francis
 Nicholson Esq^r his Ex^{ts} Adm^{ns} or Assignes to the w^{ch} payment
 to be well and truly made & done wee bind our selves And
 either of us by him Selfe our & either of our heirs Ex^{ts} &
 Adm^{ns} in the Whole & for the whole Joyntly & Severally
 firmly by these Presents Witness our hands And Seales this.

The Condition of the aboue Written Obligation is Such
 that Whereas his Ex^{cy} Francis Nicholson Esq^r afores^d hath
 Comissionated & appointed Richard Hill to be Navall officer
 of the Port of Annapolis Arrundell in the aboue said Pro-
 vince by his Comission dated the 6th day of Octob^r 1694: Now
 if the said Richard Hill shall well and truly pform the said
 Office according to the severall Acts of trade & Navigation in
 that Case made and provided and shall Observe the directions
 in the Acts of Assembly of this Province Relating to the duty
 of Navall Officers and from time to time Save Defend and

keep harmless the said Francis Nicholson Esq^r from all Dam- Lib. H. D.
age Loss and charges that he the said Francis Nicholson Esq^r p. 186
shall Sustaine at any time by reason of the said Richard Hills
non p^rformance of the said Office soe long as hee shall con-
tinue in the Same as in the Severall Lawes is Enacted and
Ordained then the aboue Obligation to be Voyd & of none
Effect otherwise to stand and remain in full force and Vertue
Sealed and Delivered Ri: Hill [Seale]
in the Presence of Sam^l Young [Seale]
Fd Randolph S: G:
James Frisby

Maryland ss

Maj^r John Thompsons
Navall Office Bond
of p^rform-
ance Know all men by these p^rsents that wee John
Thompson and Casparus Herman of the Province
of Maryland Gentl. are holden & firmly bound Unto
ffrancis Nicholson Esq^r their Ma^{ty} Cap^t Gen^l and
Chief Govern^r of this Province in the full & Just
Summe of one thousand Pounds of Lawfull Money of England
to be paid to the said Francis Nicholson Esq^r his Ex^{ty} Adm^r
or Assignes to the w^{ch} paym^t to be well & truly made and
done wee binde our selves and either of us by himselfe our &
either of our heires Ex^{ty} & Adm^r in the Whole and for the
whole Joyntly and severally firmly by these presents Witness
our hands & Seales this 22th day of May Annoq Domi: 1695.

The Condition of the aboue Written Obligacon is such that
Whereas his Ex^{ty} Francis Nicholson Esq^r Afd hath Comis-
sionated & Appointed John Thompson to be Navall Officer
of the Limits & Precincts of Cæcill County in the abousaid
Province by his Comission Dated the day and yeare abousaid
Now if the said John Thompson shall well and truly p^rforme
the said Office according to the severall Acts of trade &
Navigacōn in that Case made and provided and shall Observe
the Directions in the Acts of Assembly of this Province
Relating to the Duty of Navall Officers and from time to time
Save Defend and keep harmless the said Francis Nicholson
Esq^r from all Damage loss and Charges that he the said
Francis Nicholson Shall Sustain at any time by reason of the
said John Thompsons Non p^rformance of the said Office so p. 187
long as he shall continue in the same as in the severall Laws
is Enacted & Ordained Then the aboue Obligacon to be void
and of None effect otherwise to stand and remaine in full
force and Vertue.

Sealed and Delivered in
the Presence of
Robert Smith
Edw Boothby

Jn^o Thompson [Seale]
Casp: A Herman [Seale]

Lib. H. D. The Lords
p. 167 Commissrs of
forreign
trade & Plan-
tations &c
Ord^r to his
Exncy to
hier Vessells
to Cruise for
illegall
trade &c

After our very herty Commendations Complaint having been made to their Maj^{ties} by the Merchants trading to Virginia and Maryland, that their trade is in a great measure destroyed and ruin'd by many Ships trading directly from Scotland & Ireland to Virginia, Maryland & Pensilvania, and from thence back to the said places without paying their Maj^{ties} dues to the undervaluing trade to all such fair Traders who observe the Act of Navigation For the prevention as much as may be of such illegall trade for the future, Wee have received their Maj^{ties} Comānds and accordingly wee doe hereby signify Their Maj^{ties} Royall will and pleasure unto you, that you cause one or more Small Vessells of about forty Tunns each, to be hired with Skillfull Comānders in those parts for whom you will be answerable and to appoint them to cruise upon the Coast of Maryland and Pensilvania wth power to examine all Ships trading to and from those parts and to inspect the clearings of the said Ships in the Collectors Books in order to the discovery of Forged Cocquets and Certificates. And for the defraying the charge of such Vessells and the Encouragement of the Commander or commanders thereof, you are hereby Authorized and impowered to dispose of their Maj^{ties} third part of the fforfeitures upon the Act of Trade and Navigation & the penalties recovered on the forfeited Bonds within your Government, in such manner as you shall find most conducing to their Maj^{ties} service herein, And for the better guidance of the Commander or Commanders of such Vessells as shall be employed in this service you will herewith receive the draught of Instructions, w^{ch} you are to give unto them, and you are from time to time & as often as you shall see convenient to take an account from the Commander or Commanders of such Vessells of their proceedings in the execution of their Instructions to the intent that under colour of executing the powers and directions w^{ch} shall be thereby given unto them they doe not molest & hinder the legall prosecution of trade in those parts as well to the prejudice of their Maj^{ties} Revenue here as of their Maj^{ties} Subjects in the Plantations, And so Wee bid you very heartily farewell, From the Treasury Chambers at Whitehall this 15th day of 9^{br} 1694. In the 6th year of their Maj^{ties} Reign.

Your very Loving friends.

Gov^r of Maryland to hire Vessells to Cruise
for illegall Trade &c

Ste: ffox
Cha: Montague
Will: Trumball
J. Smith

At the Court at Whitehall the 9th of August 1694.

Lib. H. D.
p. 168

Present

The Queens most Excell^t Maj^{ty} in Councill.

The Queen^a
Ordr about
Vessells to
Cruise upon
the Coasts
of Maryland
and Pensil-
vania &c^a

The R^t Hono^{ble} the Lords of the Co^mitte of Trade & Plantac^ons having this day represented their opinion at the Board upon the Report of the R^t Hono^{ble} the Lords Commiss^{rs} of the Treasury concerning Ships trading directly from Scotland and Ireland to Virginia, Maryland & Pensilvania referr'd to them by Ord^r in Councill of the 12th of July last, her Maj^{ty} in Councill is pleased to Ord^r that directions be sent to Collon^l Nicholson Govern^r in chief of Maryland to cause one or more small Vessells of about 40 Tunns each to be hiered wth Skillfull Co^manders in those parts for whome he will be answerable, and to appoint them to Cruise upon the Coasts of Maryland and Pensilvania wth power to examine all Ships trading to and from those parts, and to inspect the clearings of the said Ships in the Collectors Booke in order to the discovery of forged Cocquets and Certificates and that for the defraying the charges of such Vessells and the Encouragement of the Commanders he dispose of their Maj^{ties} third part of the forfeitures upon the Acts of Trade and Navigation and the penaltyes recovered on forfeited Bonds within his Government in such manner as he shall find most conducing to their Maj^{ties} service herein.

And that the like directions be sent to S^r Edmund Andros Govern^r in chief of Virginia for preventing the said abuses of the Acts of trade and Navigac^on within that Colony and the R^t Hono^{ble} the Lords Commiss^{rs} of their Maj^{ties} Treasury are to give all Necessary directions herein.

Instructions to Cap^t Thomas Meech Co^mander of the Sloop Speedwell of Maryland Imployed by Collon^l ffran^s Nicholson Govern^r of Maryland for preventing frauds on that Coast in pursuance of their Maj^{ties} Ord^r in Councill of the ninth of August 1694.

First Act
Navigac^on
12 Car 2nd
Act for
regulating
Plantation
trade 22:
23d: Car
2nd These
Certificates
to be signed
by 4 or
more of the
Comiss^{rs} of
the Customs
in England
for the time
being

You shall take care that no goods or commodities w^{so}ever be Imported into or exported out of the said Colony of Maryland or any other of their Majesties Colonyes or Plantations in any Ships or vessells w^{so}ever, but in such as doe truly & wthout fraud belong only to the people of England Ireland Wales or Berwick or are of the built of and belonging to any of the said Plantations as the Propriet^{rs} & right owners thereof, and whereof the Master & 3th of the Marriners at least are English under the penalty of the forfeiture and loss of Shipp and Goods to be recovered & disposed off in manner as by law

Lib. H. D. is provided. You shall likewise take care that no Ship or Vessell comeing from England Ireland Wales or Berwick shall Load any of the enumerated Commodities Viz' Sugar, Tobacco, Cotton, Wooll, Indico, Ginger, Fustick, or other dying Wood before Certificate be produced from the Officers of some Custom House of England Wales or Berwick that Bond hath been there given with one Surety to the vallue of one thousand pounds if the Ship be of less burthen then One hundred Tunns, and of the Sum of two thousand pounds if the Ship shall be of greater burthen, that in case the said Ship or
 p. 169 Vessell shall load any of the said Commodities at any of the English Plantations that the same commodities shall be by the said Ship or Vessell brought to some Port of England or Wales or to the Town of Berwick upon Tweed and be there unloaden & put on Shoare the danger of the Seas only excepted. And in like manner that no other Ship or Vessell w^{ch} by law may trade in any of their Maj^{ties} Plantations be permitted to load on board any of the said Commodities comeing from any other Port or place untill Bond be given to the Govern^r in manner and to the vallue afores^d, that such Ship or Vessell shall carry all the said goods loaden on board to some of their Maj^{ties} English Plantations or to England Wales or Barwick And if any such Ship or Vessell shall load or take on board, any of the said Commodities untill such bond be given to the Governor or Certificate produced from the Officers of some Custom house of England Wales or Berwick that such Bond hath been there duly given or w^{ch} contrary to the tenor of such Bond shall carry the s^d goods to any port or place w^{soever} then such other English Plantations or to England Wales or Berwick and there lay the same on Shoare every such Ship or Vessell shall be forfeited wth her Gunns Tackle and apparrell and you shall doe your outmost endeavor to find out seize and prosecute the same accordingly.

3^{dly} If any Ship or Vessell w^{ch} by law may trade in any of their Maj^{ties} Plantacōns shall Ship and take on board any of the afores^d Commodities or cacoe and that Bond shall not be first given with one sufficient surety to bring the same to England Wales or Berwick and to no other place and there to unload and put the same on shoare (the danger of the Seas only excepted) there shall be answered & paid for so much of the said Commodities as shall be laden and put on board such Shipp or Vessell the severall rates and duties mentioned in the said Act to be leveyed collected & paid at such places and to such Collect^{rs} & other Officers as shall be appointed to collect leavy & receive the same before the unlading thereof and under such penalties both to the Officers and upon the goods as for non payment of or defrauding their Maj^{ties} of their Customs in

England, and you are to take care that none of the afores^d Lib. H. D.
enumerated goods w^{ch} shall be pretended for any of the Ships
that have given Bond to goe to England Wales or Berwick
only and to no other place be under that colour stolen on
board Ships w^{ch} have given bond to some other of their Maj^{ties}
English Plantacōns or to England Wales or Berwick, and so
evade the duties payable as afores^d, and you are to take notice
notwithstanding the payment of the s^d duties no Shipp or
Vessell can by law goe from Maryland or any other of their
Majesties Plantacōns wth any of the afores^d Comōdities to any
part of Europe but to some other of the said Plantacōns.

4^{thly} 14th Car. 2^d If any of the goods chargeable wth the
duties afores^d shall be loaden on board any Ship or Vessell
before the Master or Comānder hath made entry thereof
according to the Act for preventing frauds and the Statute
made Primo Elizab^t Cap: 11. such Master or Comānder is
lyable to the penalty of one hundred pounds.

5^{thly} You are to take care th^t no Comōdity of the growth
production or Manufacture of Europe be imported but what
shall be Bona fide and without fraud laden & Shipt in England
Wales or Berwick and English built Shipping or Shipps other-
wise quallified except Salt for the Fisheryes of New England
and Newfoundland, Wines of the growth of Maderas Western
Islands or Azores and Servants horses and Victuals from p. 170
Scotland and Ireland under the forfeiture of Shipp and goods.

6^{thly} And for the prevention of frauds you are to inform
your self whither any Shipps or Vessells comeing to Maryland
lade or unlade any commodities whatsoever untill the Master
or Comānder thereof shall first have made known to the Gov-
ern^r or whom he appoints for that purpose the arrivall of each
Ship or Vessell with her name and the name & Sirname of
the Master, & hath shewen that she is an English built Ship
or otherwise qualified & Navigated according to law and doth
deliver to the said Governour or such other person a true &
perfect Inventory of her Lading together wth the Place or
places where such goods were taken in.

7^{thly} And whereas severall Ships doe trade in their Maj^{ties}
Plantacōns which by law ought not to trade there and severall
European Goods are imported thither from other Places than
England, Wales, or Barwick and severall Ships Loaden wth
the enumerated Plantation Comōdities do goe for Scotland
and other places without first comeing for England and act-
ually unlading there. You are carefully to examine all Cer-
tificates w^{ch} shall be brought of any Ship having given Bond
for the preventing fals & Counterfeit Certificates & as to
their Ships and Vessells as doe give Bond in Maryland you
are to endeavour to discover whether the Condition of the said

Lb. H. D. Bonds be performed These Certificates are to be signed by 4 or more of the Commissioners of the Customs in England for the time being, and Certificates thereof produced and on forfeiture thereof th^t they be prosecuted. And for this end if any Ship or Vessel w^{ch} hath given such Bond shall happen to arrive again wth you, you are to demand of her Master a Certificate of such Shipp's having discharged her former loading according to such Bond and if he produce no such Certificate that such Bond be put in process without further delay. And in all Cases where Bond hath been given: If you can discover & make proof that any such Ship or Vessel hath discharged her loading contrary to her bond or that a convenient time hath past in expectation of the return of a Certificate of her unloading according to the Tenor of her Bond and that no Certificate is returned you are to take like care th^t the Bond be putt in process.

8th You shall from time to time Correspond wth the Collectors of their Majes^{ties} Customs in Maryland and inspect the clearings of all Ships and Vessels in their Books in order to the better discovery of forged Certificates & Cocquets & shall inform them of such matters as shall come to your knowledge th^t may be of use to them in their Maj^{ties} service.

9th You shall give to the Govern^r of Maryland a true & Exact Journall of your proceedings every three months or oftener & you shall observe such rules Orders and directions as from time to time you shall receive from him in Order to the better observation of the Acts of Trade & Navigation contained in a Book of Rates herewith transmitted to you and these Instructions in pursuance thereof and be otherwise Subject to the Superior Command of the said Govern^r in all things for their Majesties Service.

Era. Nicholson.

S^t Maries City June the 28th 1695.

S^t Maries City at the house of M^r

Gerrard Van Swearinghen June 28th 1695.

2. 25th Came Cap^t Thomas Meech Commander of the Ship Speedwell of Maryland together with Rob^t Mason Esq^r & M^r Philip Clarke his Secutaries who Entered into Bond of Three thousand pounds Seer^t to his Ex^{ty} the Govern^r for the said Meech's due Execution of a certain Commission this day given him by his Ex^{ty} for Cruising in the above said Ship, who at the same time Rec^d Instructions for the same. Sent from the R^{oyall} the Lords of their Ma^{ties} Treasury as likewise a booke of Rates.

Meech takes the Oaths &c In the presence of Esq^r Randolph &c The said Thomas Meech had administred unto Lib H. D. him by his Ex^{ncy} the Oathes appointed by act of Parliam^t to be taken instead of the Oathes of Allegiance and Supremacy the Oath of Trade and Navigation & Subscribed to the Test in the presence of the hon^{ble} Edward Randolph Esq^r Surveyor Gen^l of their Ma^{ty} Customes &c And George Plater Esq^r Collector & Receiver of their Ma^{ty} Duties within the District of Petuxant.

Oath of Trade and Navigation taken by Cap^t Thomas Meech comissionated to Cruise &c to Obstruct false Trade is as follows Viz^t

Oath of Trade & Navigation You shall swear that you will to the best of your skill & power so long as you shall continue in any Comand of Cruizing wth in the Province or Else where in pursuance of the Comission Granted you for the same, well & truly Execute and pforme, & cause to be Executed & performed all matters & things w^{ch} by the Statute made in the 12th yeare of his late Ma^{ty} King Charles the Second his Reign Entituled an Act for the Encouraging & increasing of Shipping & Navigation; & by the other Statute made in the 15th Yeare of his Ma^{ty} Reign Entituled An Act for the Encouragem^t of Trade, you are Required as Officer in trusted for the Command aforesaid to be sworn to the performance of So help you God

Sn^t Maries City in Maryland June 28th 1695

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I the Subscriber do declare that I do believe that there is not any transubstantiation in the Sacram^t of the Lords Supper or in the Elements of bread & wine at or after the Consecracōn thereof by any person whatsoever Tho^s Meech

Capt Meechs Maryland ss

Bond for Cruising Know all men by these presents that wee Thomas Meech Robert Mason and Philip Clarke all of Sn^t Maries County Gentl: are holden and firmly bounden unto his Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l and Govern^r in Chief in and over their Ma^{ty} Province and Territoryes of Maryland in the full & Just Sume of three thousand pounds Sterl: lawfull Currant Money of England to be paid to his said Ex^{ncy} his heirs Ex^{ns} or Adm^{ns} to the which payment well and truly to be made Wee bind ourselves and either of us our and either of our heirs Ex^{ns} or Adm^{ns} in the whole and for the whole jointly and Severally firmly by these presents Sealed with our Seales dated in Maryland the 28th day of June Anno Domi: 1695:

Lib. H. D. The Condition of this Obligation is such that whereas his said Ex^{cy} hath this day given & granted unto the above bounden Thomas Meech a Comission to be Comander of the Speedwell of Maryland and therewith to Cruise on the Coast of Maryland and Pensilvania to prevent and hinder such False and illegall Traders w^{ch} doe or shall Trade on the Coast or into either of the said Provinces contrary to the Acts of trade & Navigation If therefore the above bounden Thomas Meech shall well & truly execute the severall powers and Authorityes to him therein given and granted and see the severall Acts of Trade & Navigation be duely kept & Observed without Fraude or Covin and doe well & truly prosecute Offenders and Offences ag^t the said Acts or any of them and doe well and truly behave himself in the Execution of the severall powers and Authorityes by the said Comission given him And doe from time to time & at all times hereafter Serve and keep harmles & endemnified his said Ex^{ty} his heirs Ex^{ty} and Adm^{ty} for or by reason of Any Act or thing by the said Thomas to be done or performed or omitted to be done or performed by virtue of the Comission aforesaid Then this Obligation to be void & of none effect else to Stand in full force & virtue

Signed Sealed & Delivered
in p^{re}sence of us
Ed Randolph
Hen Denton
W. Bladen

Tho^s Meech [Seale]
Rob^t Mason [Seale]
Philip Clarke [Seale]

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Coll Cood

June 5th 95:

Made
Blakistons
answer 20
Shilling
Acco^t

S^r

In answer to y^r demands pursuant to an Ord^r from his Ex^{ty} I have onely to advise you that I have already rendred and presented to his Ex^{ty} view a full & Just Acco^t as neer as could be calculated from M^r Blakistons bookes & papers of the whole revenue passing his hands since the Revolution to which acco^t I have made Oath & cannot forme any further or other Acco^t & for the list of Shipping they are in M^r Tenches hands which is all I can say in that point, however if the Acco^t by me already exhibited be mislayed & not at hand I am ready & shall be willing upon the least Notice given to have drawne out a fair Coppie of the same for his Ex^{ty} Satisfaction if required w^{ch} please to represent to his Ex^{ty} as the full Answer of S^r y^r humble Ser^t

Elizabeth Blakiston

Madam Madam Bourne

Lib. H. D.

Bournes
Answers abt papers Re-
lating to the Navall
Office &ca
relating to the Navall Office then what are already
delivered to y^r Ex^{ncy} but if any more come futuely
to hand the same shall be returned to your Ex^{ncy}
This is the Answer given by Madam Bourne to your Ex^{ncy}'s
most Obedient Serv^t

George Plater

Comre of the Customs Lre
concerning
Capt Banks
Ship
S^r Application is made to Us concerning a
Bond Said to be given in Maryland about May or
June 1694 by Thomas Bankes Master of the Ship
Ann and Hannah with Condition to Carry her load-
ing to Some Port of England Wales or Berwick And it appear-
ing by the Inclosed Affidavit of the s^d Banks That in his Voy-
age home for England the s^d Vessell was taken by two ffrrench
Privateers and Carryed into ffrance whereby the s^d Ship and
Cargoe were Utterly Lost you may affix this Ord^r and Affi-
davit to the s^d Bond in discharge thereof unless you have any
thing further to Object We are

S^r Yo^r Very humble Servants

Custom House Lond^o
9 July 1695.
Govern^r of Maryland.

Sam^l Clarke
Rob^t Southwell
Walter Yenge.

Capt Banks
Affidavit of
his Ship
being taken
by the
ffrench.
Thomas Bankes Master of the Ann and Hanah
maketh Oath That Whereas he did Enter into Bond
in Port of London abo^t May or June Anno Domi
1693. to goe for Virginia and New found Land, this
Deponent now affirms that he proceeded directly on
this Voyage thither and there unloaded his Said Goods but it
So happened th^t in his Voyage homewards for England; the
Said Vessell was taken by two ffrrench privateers and Carryed
into ffrance whereby the s^d Ship and Cargoe was utterly lost.
Dated 8th of July 1695.

Tho: Banks: Jur^t Thomas Banks that the Contents
of this Affidavit are true. Dated
M H 8 July 1695.
Hi: Cuiputt

An Accot of
Cattell &
hoggs which
dyed Ao
1694/5
An Acco^t of Cattle and hogs Dead in the Severall
Counties within this Province as they are by List
Return'd, Anno: 1694 and 5. Viz'

	Cattle	hogs
Somerset County	4050	18502
Calvert County	4557	5850
S ^t Maries County	3551	7758

Lib. H. D.		Cattle		hogs	
	Charles County	2498		11260	
	Talbot County	5019		7151	
	fishing Creek hund ^d in Dorchest ^r County	441		1694	
	Little Choptanck hund ^d in Ditto County	314		1382	
	Sheep & Horses in the s ^d Hund ^d in the s ^d } County Sheep 121, horses 32				
	Patapsco hund ^d in Baltemore County	302		629	
p. 103	West River hund ^d in Ann Arrund ⁿ County	225		269	
	Herring Creek hund ^d in ditto County	559		581	
	Broad Neck hund ^d in Ditto County	320		310	
	Town Neck hund ^d in Ditto County	288		296	
	Middle Neck hund ^d in the s ^d County	517		337	
	South River hund ^d in the s ^d County	552		779	
	South side Gun powd ^r hund ^d in Baltemore Co:	122		265	
	North side Ditto Riv ^r hund ^d in the s ^d County	264		539	
	Kent County	1262		1686	
	Worton hund ^d in Cæcill County	198		401	
	Bohæmia hundred in Cæcill County	213		443	
	South Side of Patapsco in Baltemore County	177		181	
		25429		62373	

July the 22th 1695.

Capt Richd
Snowdens
Rec^d for a
Barrell of
Gun powder

Rec^d then of Nicholas Greenberry by the Ord^r of his Ex^{cy} the Govern^r one Barrell of Gun powd^r by Contents one hundred weight of powd^r & th^t the same shall be turned at Least once a month by me or my Ord^r & it shall not be broak or Imbezell'd or made Use off, & the s^d Quantity of Powd^r I shall be always Ready & answerable to his Ex^{cy} for the same when thereunto Required: I say Rec^d by me the day and year as above written.

Rich^d Snowden Jun

July the 14th 1695.

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Capt Phillip
Howards
Rec^d for a
Barrell of
Gun-powder

Then Rec^d of Coll: Nich^o Greenberry by Ord^r of his Ex^{cy} the Gov^r one Barrill of Gun powder by Contents one hundred Weight & that the same shall be turned once a month by me or my Ord^r and tha^t it shall not be broke or Imbezled or made use off and that the s^d Powder shall alwaies be Ready to be accountable for unto his Ex^{cy} when thereunto Required the danger of fire or other unresistable Casualties only Excepted:

Philip Howard

June the 14th 1695.

Lib. H. D.

Capt John
Dorseys
Rec^t for a
Barrell of
Gunpowder

Then rec^d of the hon^{ble} Coll: Nich^o Greenberry by
Ord^r of his Ex^{ncy} the Govern^r one Barrell of Gun-
powde^r by Contents one hundred weight and that
the same shall be turn'd once a month by me or my
Ord^r and th^t it shall not be broke up or Imbezled or made use
off and th^t the s^d Powder I shall alway's be accountable for
unto his Ex^{ncy} when thereunto Required the Danger of ffire or
other unresistable Casualties only excepted, witness my hand;
Jn^o Dorsey

June the 9th 1695.

Capt Wm
Hollands
Rec^t for a
Barrell of
Gunpowder

Rec^d then of Coll: Nich^o Greenberry by the Ord^r
of his Ex^{ncy} the Govern^r one Barrell of Gun powder
by Contents one hundred weight and that the same
shall be turn'd at least once a month by me or my
Ord^r and th^t it shall not be broke or Imbezel'd or made use
off, & the s^d quantity of Powder I shall be alway's ready &
answerable to his Ex^{ncy} for the Same when thereunto Required,
I say Rec^d by me the day & year aboves^d

W^m Holland

July the 20th 1695.

Capt
Humphrey
Boons Rec^t
for a Barrell
of Gun-
powder

Recd: then of Nich^o Greenberry By the Ord^r of his
Ex^{ncy} the Gov^r one Barr^{ll} of Gun Powder by Con-
tents one Hundred weight of Powd^r and that the
same shall be turned at least once a month, by me or
my Ord^r and it shall not be imbezled or made use off;
and the s^d Quantity of Powder I shall be always Redy &
answerable to his Ex^{ncy} for the same, when thereunto Required
I say Recd: p me the day & year above written.

Humphrey Boone

July the 3^d 1695.

Maj^r Edwd
Dorseys
Rec^t for a
Barrell of
powd^r

Recd: then of Nich^o Greenberry by the Ord^r of his
Ex^{ncy} the Gov^r one Barrell of Gunpowder By Con-
tents one hundred weight of Powder and that the
Same shall be turned at least once a Month By me
or my Ord^r and it shall not be broke or Imbezled or made use
off, & the s^d Quantity of Powder, I shall be alway's Ready and
answerable to his Ex^{ncy} for the Same when thereunto Required
I say Recd p me the day & year aboves^d

Edward Dorsey

Lib. H. D.

July the 3^d 1695.

Lt Coll
Ridgelys
Rec^d for a
Barrell of
powdr

Recd then of Nich^s Greenberry, by the Ord^r of his
Ex^{ncy} the Govern^r one Barr^{ll} of Gun powdr by Con-
tents one hundred weight of Powder & that the
same shall be turned at least once a month by me
or my Order and it shall not be broke or Embezel'd or made
use off, and the s^d quantity of powdr I shall be always Ready &
answerable to his Ex^{ncy} for the Same when thereunto Required,
I say Recd: p me the day and year above written

Henry HR Ridgely Sen^r

At the Court at Whitehall
the 25th of July 1695:

Present

Their Excellencies the Lords Justices
in Councill.

Sr Thomas
dismissed
from the
Complaint
and accusa-
tion of the
Governm^t

Vpon the Report of the R^t Hon^{ble} the Lords of
the Comitte of Trade and Plantations this day made
at the Board, that they had Considered the Answer
of S^r Thomas Laurance Secretary of his Ma^{ty} pro-
vince of Maryland to Certain heads of a Charge and
Accusation Exhibited against him by the late Govern^r &
Councill of that province.

p 21 That no Person appears in behalfe of the Government of
Maryland to prosecute the s^d Accusation.

That the s^d S^r Thomas Laurence is at present authorized
by the Govern^r Councill and Assembly of that province to
Sollicite the publick Affairs of the province here in England.

And that the Gen^l Assembly of Maryland have declared all
the proceedings there against S^r Thomas Laurance upon the
s^d Complaints, to have been Malicious, Arbitrary and Illegall,
and have Certifyed the s^d S^r Thomas Laurence to be a very
Loyall Subject to his Ma^{ty} and of Sincerity and integrity in
his proceedings.

Their Excellencies in Councill are pleased to Ord^r that the
sd Complaint and Accusation against S^r Thomas Laurence be
dismist from before this Board and the Same is hereby dismist
accordingly

Rich Collinge

At a Council held at the Port of Annapolis the 14th day of August in the Seaventh Yeare of the Reign of our Sovereign Lord King William the third &^{ca} Annoq Domi: 1695.

Present

His Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^{ll} &^{ca}

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The Hono^{ble} { Coll Henry Jowles
Coll George Robotham
Coll John Addison
John Courts Esq^r
Tho: Brooke Esq^r }

Esq^r Poveys Lett^r declaring the Death of the Queen & Ord^r thereon Relating to Judiciall proceedings &^{ca} His Ex^{ncy} producing a Letter by him Recd from the R^t hono^{ble} John Povey Esq^r one of the Clks of his Ma^{ty} most hono^{ble} privy Councill & Dep^{ty} Secretary of the plantacon Office, Dated 9th of March last past, giving an Acco^t of the great & irreparable Loss Recd by the death of her late Ma^{ty} Queen Mary (of ever blessed & Glorious Memory) Ordered thereupon that proclamation issue to give notice thereof & that for the future all manner of Writs process & proceedings, in the severall Courts & Offices of this Province issue & ruⁿe in the Name of King William the third &^{ca} Whitehall

The Royall Lett^r of her late Ma^{ty} (of ever blessed & glorious memory) unto me directed of the 22th of August 1694: Viz^t that a Quota or part of the Militia of this Province not exceeding 160 Men (but noe Ord^r that the said Men shall be paid & Maintained by this Province nor be furnished wth armes or Amunition, neither do I find by y^r Ex^{ncya} Lett^r that you expect Wee should pay or furnish them) be the Measure of Assistance to be given the Province of New Yorke; but your Ex^{ncy} Writes for Officers as well as the Men her Ma^{ty} is graciously pleased in the same Letter to Order as follows, Viz^t Wee having also given express directions to our said Govern^r or Comander in Chief of our s^d Province of New Yorke not to demand or Require at any time a greater part of the said Quota or other Assistance from our said Province of Maryland than he shall in proportion demand or require of the respective Quotas of the rest of the Adjacent Colonies, but you have not given me any intimation that you have sent for the whole Quota's from the rest of his Ma^{ty} Colonies or Provinces in these Northern parts of America nor whether you intend to invade the Common Enemy the French, or expect to be invaded by them; for if you do the latter I shall be Obliged for the safety of this his Ma^{ty} Province to raise a greater number of Men to guard our ffrontiers, w^{ch} are great p. 192

Lib. H. D. & will be very chargable & detrimentall to the peoples Crops of Tobacco w^{ch} will much diminish his Ma^{ty} Revenues & lessen the Trade & Navigation of England which are Endeavoured to be promoted, (though but weakly) by

Yo^r humble Serv^t
Fr: Nicholson

Govern^r of New Yorke

Instructions for M^r Thomas Tasker one of the house of Burgesses and Treasurer for his Ma^{ty} Province of Maryland

Mr Taskers
publick In-
structions
Relating to
New Yorke
&c^a

You are with all Expedition possible to go to New Yorke & when please God you shall come there you are to deliver my Lett^r to his Ex^{ty} Coll Benjamin Fletcher his Ma^{ty} Cap^t Gen^l & Govern^r in Chief of the Province of New York &c^a And likewise to deliver unto him all the Bills raised upon the Addicōnall Duty of 3^d p hhd payable to you, provided he don't expect the men, w^{ch} Act was with much difficulty got to pass the house, And after it was passed, what murmuring it made amongst the Merchants & Masters of Ships, w^{ch} I feare may cause some of them to Leave off coming here, And if they must have men, (the very report whereof has already occasioned sev^lall Free-men to goe a way) it is to be feared when they come to be actually raised it will occasion severall more to desert the province and so lessen his Ma^{ty} revenue considerably by meanes of the less quantity of Tobacco w^{ch} will be made, for every mans labour pays to his Ma^{ty} 10^d sterl: a year or more. That the Lord Baltemore has above halfe the Revenue arising and becoming due wthin this Province.

And if the Men Rised should be Maintained by this Countrey, w^{ch} must be Leavyed by a yearly tax of so much p poll the same (together wth the Annuall Charge the Countrey is
p. 193 already at) will amount to nigh a quarter part of the Estates of the severall Taxables within this Province; And this year is likely to prove a bad year for tobacco.

That I understand his Ma^{ty} is graciously pleased to keepe in pay four hundred Men for the defence of Albany.

That there is an Acco^t of Strange Indians in Virg^a w^{ch} have done some mischief there and how that Wee are frequently alarm'd with strang Indians likewise w^{ch} puts the inhabitants to charge and trouble to goe and looke after them & to secure their habitations.

That the last year by the Severity of the winter, most people have lost the better part of all their Stocks of Cattle & hogs That the Councill & house of Burgesses have humbly

addressed his Sacred Ma^{ty} this Last ffeet touching their send- Lib. H. D.
ing assistance to New York

If that Governm^t will not be Satisfyed wth these Reasons
you are to Acquaint them that they may (if they think fit) send
one or two persons to the Assembly wth (God willing will sit
the 2^d day of October next to inform themselves of the Rep-
resentatives or others, inhabitants of this Province, about the
Condition the same now lyes vnder; And that during their
Stay they shall receive all the civill treatm^t this Governm^t can
afford

That you Make all the dispatch you can back & perform
the Journey with as little Expence to the Countrey as you can,
knowing the poverty of the same

August 17th 1695.

ffr: Nicholson

Private Instructions for M^r Thomas Tasker one of the house
of Burgesses and Treasurrer for his Ma^{ty} Province of Mary-
land

Mr Taskers
private In-
structions
&ca You are to make inquiry as you goe through Pen-
sylvania & the Jerseys what News you can heare
about the French & Canida Indians and what danger
they apprehend in that Matter.

When come to New Yorke you are to inquire the same, and
make your Observations of the flourishing of the place both
in building Shipping & Trade, especially since this Warr.

You are to inquire and make your Observations upon the
debarring all persons from trading to Albany but themselves
and acquaint them that this Governm^t does Expect that (if
assistance is required by them from hence) they may have a
ffree Trade to Albany to Supply the Indians, which will occa-
sion things to be Cheaper & the Indians not soe apt to Com-
plain for the dearness of the Comodity.

You are to Observe that the Ordinary Revenue of that
Province is aboue 5000^l Sterl: a year.

That if the men are to be sent, you are to let them know, p. 194
how that the people of the Countrey have neither Arms nor
Amunition, nor his Ma^{ty} any Magazine here, but that a Supply
of such things are sent for by this last ffeet.

You are to inquire as you goe a long when you are there
whether they have had any Acco^t of the Additionall Act for
the 3^d p hhd lately passed & if they knew it was to be given
them.

You may inquire about any other matters & make use of
these and them as you shall find necessary for his Ma^{ty} Service
and intrest of the Countrey.

Lib. H. D. You are to give Govern' Markham a Copy of the Proclamation you have Recd about the Trade of that province and to shew the same at Newcastle & Pennsylvania.

You are to acquaint Govern' Markham concerning one David Miller who was Arrested upon his travell through Lewis Town alias Whorekill, being bound for west Jersey; the Accon brought was an Action of Assault, though the Occasion given appears to be Lawfull; for the Sherriffe of Somerset County having come to damage by the Escape of one Waples a prison' under his Custody comanded a Considerable number of men to goe wth him to the Indian River to take the said Waples & others w^{ch} had a hand in his Rescue, among the number of w^{ch} persons comanded this David Miller was one & for his shewing Obedience to the Kings Authority was Arrested as afd and likely to be detained a prisoner therefore you are to speake to Govern' Markham that he may be discharged and pass about his Lawfull Occasions And that he give Order there be noe more disturbance or trouble given to any other their Ma^{ty} Leige people of this province in like Case, you will Receive the papers touching the whole Matter, the w^{ch} you may shew Govern' Markham and tell him that if a remedy is not provided this Governm^t must take some other Methods

August 17th 1695

Fr: Nicholson

Mr Jenckins Lett^r touching the Laws & Ord^r there on &ca Read a letter from M^r Francis Jenckins Judge of Somerset County Court directed unto his Ex^{ncy} bearing Date the 10th day of July last past touching the Laws last Enacted &^{ca} Viz^t that they had not (as yet) Received them in that County;

Ordered that inquiry be made by whom the same were sent, & that M^r Attorney Gen^l psecute the party detaining the same

p. 195 Coll Addisons Lett^r touching Indians present to his Ex^{ncy} & his answer thereon &ca Upon Reading a Lett^r from the hono^{ble} Coll John Addison unto his Ex^{ncy} sent & directed, Dated the 23^d of July last past touching a hundred Rackoon & ffox skins sent from the Emper^r of Piscattoway as a present to his Ma^{ty} Whereupon his Ex^{ncy} was pleased to acquaint the Board that he had since seen the said Emper^r and told him that neither his Ma^{ty} nor himself required any present from him, But gave him to understand that the Lord Baltimore must be paid his dues and so directed Coll Addison to redeliver to the said Emper^r all the aforementioned skins.

Peticon of the Vestrey-men of All Saints pish in Calvert County requesting his Ex^{ncys} per-mission in the furtherance of Mr Hulls preaching aug^t 7th & Ord^r thereon &ca

Upon Reading the Petition of the Vestrey-men of Lib. H. D.
the pish of All Saints in Calvert County Seting forth that they had taken care to build a Church wthin their said parish & had sometimes on Sundays in an after-noon the Benefit of M^r Hulls preaching amongst them; though with difficulty obtain'd by reason of the great distance betwixt his parish Church & theres; but do hope to procure his further Assistance, by taking some other Method, through his Ex^{ncys} permission, and such as will be no hindrance to his own cure, His Ex^{ncys} in Councill was pleased to Ord^r as it is hereby Ordered that (if in case the said M^r Hull will take that trouble upon him) the prayer of the pet^r be Granted.

his Ex^{ncys} Represen-tacōn abt mast^{rs} of Ships Com-plaint of the gage of Tob hds & Or-der thereon

His Ex^{ncys} representing to the Board that severall Masters of Ships had complained unto him that the Tobacco hds now made and sent on Board their ships exceed the measure prescribed by the late Act of Assembly, much to their detrim^t & damage;
Ordered that Proclamation issue to give Notice to all Coopers and Others therein concern'd, that they make their Casque according to Act of Assembly vnder penalty of being proceeded against according to Law, therein directing all Casque to be measured when they come on Board.

August the 20th 1695.

Produced a Proclamation drawn up accordingly, the w^{ch} being read, was Signed by his Ex^{ncys} & passed the Broad Seal of the Province,

the Teno^r whereof follows in these Words. Viz'

By his Ex^{ncys} the Cap^t Gen^l &ca

Maryland ss.

A Proclamation

Proclamacōn touching the gage of Tob. hds

Whereas Complaint hath been made by Divers Owners and Masters of Ships Trading into this Province how that severall Merchants & others Inhabitants wthin the same doe notwthstanding a Late Act of Assembly passed the 18th day of October 1694 Entituled an Act touching Coopers & the Gage of Tobacco hds, Continue to make & Cause to bee made their Tobacco hds, farr exceeding the Dimenssions in the said Act prescribed & set downe Sundry hds whereof pack^d with Tobacco have been actually shiped on board their Severall & Respective Ships Contrary to the intent and meaning of the said Act, to the great preju-dice and Lessening of his Ma^{ty} Revenue as also Damage to

p. 196

Lib. H. D. the Own^r & Comanders of such Ships trading here as af^d for prevention whereof for the future I have (by & with the advice of his Ma^{ty} hono^{ble} Councill) thought fitt to publish and make known & I do hereby accordingly Order & Comand that no Merchant freight^r Planter or other person whatsoever with in this Province doe hence forth presume to make or Cause to be made any hhd^r or hhds of tobacco (in Order to being Shipped & put on board) exceeding the Gage & size by the aforementioned Act of Assembly Directed under pain & penalty of being proceeded against according to the Utmost Rigour of the Law, And to the End all diligent and due Care may be taken for the discovery of all such Illegall proceedings I do hereby further Order and Comand his Ma^{ty} respective Collectors their Deputies and the severall Navall Officers & their Deputies within this Province to give Notice to all Masters of Ships at their first coming in & entry made that they Circumspectly and wthout faile measure or Cause to be Measured every hhd of tobacco Shipped & taken on board their Respective Vessells to the true performance whereof the master, Mate, Boatswine, or other Officer or person intrusted to take an Acco^t of any hhd or hhds of tobacco put on board his or their Ship or Ships vessell or Vessells shall upon the Clearing of such Ship or Ships Vessell or Vessells make Oath before the said Collector or Deputys & Navall Officers or their Deputies af^d wth whom they Entred, that every the said hhd or hhds of Tobacco by them so taken an Acco^t of were realy & bona fide measured and found to be in size according to the Directions of the said Act hereby Strictly Enjoyning the Collecto^r their Dep^{ties} & Navall Officers & their Dep^{ties} as af^d to Examine into and tender such an Oath as also that at the same time such Mast^r Mate, Boat Swain or other Officer or person soe as af^d intrusted give likewise an Acco^t Vpon Oath of the Number of hhds by them taken an Acco^t off & that the Master in particular Swear that he neither will nor does designe by himself or any other procurem^t to take in any more tobacco that present Voyage either before or after Clearing other than what he has given an Acco^t off vpon Oath as af^d. But if he should take more tobacco in that then they will give

p. 197 further Acco^{ts} of the same upon Oath likewise, And Forasmuch Most Masters and Comanders of Ships doe seem to plead Ignorance to such Laws of this Province as doe any wayes narrowly touch or Concern them I doe further Order that the said Respective Collectors their Deputies and the Navall Officers & their Deputies af^d doe forthwth gett & procure Coppies of all such Acts of Assembly any wise relating to or Concerning Mast^r of Ships or Trade &^{ca} as are now in force & the same keep in their Respective Offices for the

perusall & Satisfaction of all such Mast^{rs} hereby Strictly LIB. H. D.
 Enjoyning the Severall Sherriffs of the province to make
 Proclamation hereof in the most publick & Convenient places
 wthin their Respective Counties. Willing & Requiring all
 persons herein any ways concerned to yeild due and ready
 Obedience hereunto as they and every of them will answer
 the Contrary at their perill.

Given at the Port of Annapolis under the Great Seal of the
 Province this 20th day of August in the 7th year of his Ma^{ty}
 Reign &^{ca} Annoq Dom: 1695

God Save the King: Fr. Nicholson

his Ex^{cy}
 Significacōn
 of his power
 in Erecting
 ports & upon
 advice given
 him of the
 Imparacōn
 of the trade
 of this pro-
 vince by the
 pensilvani-
 ans & the
 Defrauding
 his mats
 Dutyes for
 Importing
 Liquors as
 likewise the
 inticeing
 away the In-
 habitants
 out of this
 province &^{ca}
 Order there-
 on &^{ca}

His Ex^{cy} being pleased to Signify that (by his
 Comission) he finds he has power to erect ports;
 and upon Advice Recd that the Trade of this Pro-
 vince of Maryland is much impared & damnified by
 several Sloopes Shallops & Boates belonging to
 Pensilvania w^{ch} keep runing & trading up and down
 wthin the severall Rivers and harbours thereof, taking
 in their loading over land at the head of the Bay &
 Carting indifferent large Sloopes Shallops & Boates
 from thence into this province wthout making any
 Report or Entry And Forasmuch as it is likewise
 set forth that his Ma^{ty} duty for importation of
 Liquor^s from those parts hath been much defrauded
 by concealing and hiding severall quantities of
 Liquor^s wthin Caske pretended to be filled wth basket
 & ffLOUR, And that they make it their dayly practice
 to intice tradesmen, Seamen & other persons out
 of this province, Under Specious pretences & fair
 promises; Ordered thereupon that Proclamation issue to pre-
 vent for the future all such illegall & irregular Methods and
 Wayes.

August the 17th 1695:

Produced a Proclamation drawn up accordingly the w^{ch}
 being read was Signed by his Ex^{cy} & passed the Bread Seale
 of the Province the Tenor whereof follows in these Words
 Viz^t

By his Ex^{cy} the Cap^t Gen^l &^{ca}

A

Maryland ss

Proclamation

p. 198

Whereas their Ma^{ty} did by their Royall Comission unto me
 Francis Nicholson Esq^r Cap^t Gen^l & Govern^r in
 Chief of this his Ma^{ty} Province of Maryland bearing
 date the tenth day of ffeb^{ry} 1693/4: Give & grant
 full power and Authority for the Erecting of ports
 &^{ca} within the same; And Forasmuch as (by severall

Proclama-
 tion Relat-
 ing to the
 Trade of
 Pensilvania
 &^{ca}

- Lib. H. D. Complaints & other advice received) it is made apparent that the Trade of this Province is much impaired & Damnified by Sloops Shallops & Boates off & belonging to the province of Pensilvania Town of New castle & Territoryes thereunto belonging (they being distinct Govern^{ts} from this) which keep runing and Trading up and down wthin the severall Rivers and Creekes of this his Ma^{ty} Province of Maryland, transporting their loading over land & taking in the same at the heads of Severall Rivers wthin this Province especially Bohemia & Elke Rivers, and not only so; but are frequently known to transport in Carts at the said places indifferent large Sloopes, Shallops, & Boates wthout making any report or Entrey thereof Making it likewise their Daly practice to intice away & Entertain severall Seamen belonging to Ships & ffreemen & others Inhabitants of this Province under Specious pretences much to the prejudice & Damage of his Ma^{ty} Revenue & the trade & Navigation of England And Forasmuch as it hath likewise been represented unto me in Councill, how that his Ma^{ty} Duty for Importacōn of Liquo^{rs} from those parts have been much defrauded by concealing & hiding severall Runlets full of Brandy Rum & other Spirits, And wine wthin Caske pretended to be filled with Bisket and ffloore: For prevention of all w^{ch} illegall & irregular proceedings for the future, I have (by and wth the advice of his Ma^{ty} hono^{ble} Councill) thought fit to publish and make known & I do hereby Accordingly Order & Comānd that all Boates, Shallops, Sloops or other Vessells trading so as a^d & taking in any goods Wares or Merchandizes being transported out of Pensilvania Town of Newcastle and Territoryes thereunto belonging into this Province over Land, go directly wth the Same vnto the Port of Williamstadt (formerly Oxford) or the port of Annapolis (formerly Ann Arrundell) and there make due Entry Barter Sell and Dispose of the same to their Best Advantage and in no other port or place whatsoever with in this Province,
- p. 199 Under penalty of seizure of all such goods Wares & Merchandizes so as a^d imported and sold contrary to the intent & meaning aforesaid, And Further that all such Boats, Shallops & Sloops, or other Vessels or any Land carriages whatsoever that for the future are or shall be Transported out of Pensilvania Town of Newcastle & Territoryes a^d into this Province over Land that the own^{rs} Masters or Employers of the same Give the Navall Officer of Cæcill County an Acc^t thereof And take his permit to go to one or both of the Aforemencōned Parts Under like penalty of Seizure and of being proceeded ag^t according to Law hereby strictly Enjoyning and Comāding all & Singular his Ma^{ty} Collector wthin this Province their Dep^{ties} & others whom it doth or may concern to Make dili-

gent search both by Land & Water for all such goods Wares and Merchandizes not legally imported and the same to seize & cause them to be proceeded ag^t according to due Course of Law, And to the End all diligent care may be taken to prevent the inticeing a way Seamen & others it is hereby provided that if in case any such person inticed shall be found entertained & Recd on Board any Boat, Shallop, sloop or other Vessell belonging to the Province of Pensilvania Town of Newcastle & Territoryes thereunto belonging, Such Boat Shallop Sloop or vessell shall in like manner lay lyable to be seized & prosecuted as afd And to the end due notice hereof may be given I do hereby Comānd the severall Sherriffs of the province to make Proclamation hereof in the most publick & convenient places wthin their respective Counties, Willing and Requiring all Officers and others whom this doth or may concern to Yeild all due Obedience hereunto at their perill Given at the Port of Annapolis Under the great Seale of the province this 17th day of August in the Seaventh Year of his Ma^{ty} Reign Annoq Domi: 1695

God save the King: Fr: Nicholson

Armes taken from Mat-
tapany Or-
dered to be
Restored
&c^a Ordered that what Arms were by any person taken away from Mattapany in the time of the Revolution the same be Restored again either to the owner (if to be found) or Colonell of the County, where the present possessors of such Army live, vnder penalty of being proceeded ag^t And that the Sherriffes of St Maries, Calvert & Charles Counties, make inquiry there about & give Notice thereof in all ports wthin their respective Counties & make Return of their proceedings herein unto this Board with all Convenient Speed.

The Board proceed to settling the Militia Officers wthin the p. 200 New and late Counties divided as follows, Viz^t

Coll Henry Jowles constituted & appointed Colonel of Sn^t Maries County.

Militia
Officers
Regulated
&c^a wthin
the New &
Divided
Countyes John Courts Esq^r Colonel of Charles County. Coll John Addison Colonel of Prince Georges County, And that the Colours for the said County be Sn^t Georges Cross, Viz^t a Red cross in a White ffield.
Coll John Hinson Colonel of Kent County.

Lieveten^t Coll Mitchell, Colonel of Calvert County.

Maj^r John Bigger his Lieveten^t Colonel & M^r Walter Smith Maj^r of the said County.

Lib. H. D Colonels Ordered that the said Gentl: now appointed
 Ordered to Consult altho y^r officers & Commander & also Commissions for the sd Counties &ca
 Colonels, do betwixt the time prescribed by the Act to take place consult what Officers and Commanders to make within their Severall Troops and Companies, And that they Regulate the same against that time, as also consult & consider of Commissions to be Appointed within the same, And to Return a List of what persons may be thought most proper for that Station.

Military Instructions to be Drawn out & sent to Calvert County field Officers
 Ordered that the Military Instructions sent to the Severall Counties in October last be drawn forth and sent to the present field Officers of Calvert County appointed.

Gov^rs proposal to the Council wch will be least chargeable
 Proposed by his Ex^{cy} to the Gentl: of the Council wch will be least charge and most Serviceable for the Countrey Viz: the Building of a Bridge or keeping a publick fferry over Petuxant River at Mount Calvert & that they consider of the same ag^t next Assembly.

Govern^rs proposall abt seating an Indian tract of Land &ca
 Proposed that some way be found out that may occasion the seating a certain Indian Tract of Land, Scituated betwixt Pomunky & Mattawoman extending at least twenty Miles upon the River of Potomock & now within the Bounds and limits of Prince Georges County, therefore his Ex^{cy} does particularly Recomende (for his Ma^{ty} Service) some way be found out to Oblige the Indians to Suffer the seating thereof, wch will occasion a greater quantity of Tobacco to be made, as also advance and Encourage the aforementioned New County, therefor his Ex^{cy} is pleased to recommend it to the Gentlemen of the Council that they would consider ag^t the Assembly of some proposalls to make to the House for the furtherance thereof requiring the hono^{ble} Coll John Addison to speak to the said Indians to be here at Annapolis the 3^d day of October next & that Coll Charles Hutchins speak to the Indians in Dorchester County to be then likewise here.

p. 201 Commissions of Severall Counties
 Ordered to see all business in their Courts fully Ended in March Court
 Ordered that the Comission^r of Sn^t Maries, Kent, Calvert & Talbot & Charles Counties (being Counties by Act of Assembly lately divided take speciall care to see all Business in their Severall Courts depending fully compleated & ended in March Court next to be held within their said Respective Coun-

next & the
wt appear-
ances are
there taken
be trans-
mitted to
the proper
Corts where
the Defts
reside &c

ties; And that the appearances taken that Court be by the Clerks of the said Counties (where taken) transmitted to be tryed within the Jurisdiction of such Court as the parties defendants do actually live & Reside in according to division of the same made & that after the said March Court all Writs precepts & process issue out of the proper Courts lying within the limits & Jurisdiction of the af^d late divided Counties & the New made County called Prince Georges County, pursuant to division of the same by Act of Assembly made as af^d.

Lib. H. D.
Whitehall

Ordr of
Councill
constituting
Mr Cooper
Clk of prince
Georges
County &c

Ordered that M^r William Cooper be appointed & Constituted and he is hereby accordingly nominated & appointed Clerke of Prince Georges County, he Yeilding & paying unto the hon^{ble} S^r Thomas Laurence Baron' Secretary the full Tenth part of the Profits and perquisites as other County Clks doe pay & Satisfy & Reserving the Residue to his own proper vse & behoofe as other County Clks doe hold & injoy the same and that he fit himself wth necessities for his Office and prepare his security ag^t the time limited and appointed by the Act of Assembly for the said County to Comence.

Whitehall

Vestreyemen
Ordrd to
build
Churches
&c

Ordered that the Vestrymen of the Severall & Respective parishes within this Province take all due and Speedy care for the building of Churches (where wanting) and for the taking the Oathes & Subscribing to the Test as also chooseing Church Wardens pursuant to the directions of the Act of Assembly of this Province in that Case made & provided; And that where the Court houses within any of the Counties of the province are placed convenient where Churches may stand or be Erected, that in such case the said Court houses be made use off for Churches to perform Divine Duty & Service in; especially Dorchester County Co^t house in the parish of Great Choptanck, so that instead of Building a Church at Cambridge, the Vestrey may build a Chappell of Ease in some other Convenient place, And in like manner other parishes are hereby directed and Required to Observe and follow the same Rule. And it is hereby further Ordered, that where ministers are wanting in any the said pishes the Vestreyemen for the same appointed take care to provide some sober, discreet person to Read prayers on Sundays, And where it so falls out that one Minister happens to Enjoy the benefit & profits of two pishes that then such Minister provide some sober and discreet person to Read prayers as af^d in that Church those dayes the Minister shall therein be absent, Provided the whole fforty p poll be paid

Whitehall
p. 202

Lib. H. D. such Minister, Requiring such persons diligently to observe the Reading the first & second Service & the people to stand and kneele as the Rubrick directs; And that the Churches be decently kept & the Communion Tables Railed in, And Further Ordered that all Children brought to Church to be baptized be Christned immediatly after the Reading the second Lesson & that the Holy Sacram' of the Lords Supper be Administred at least three times every year, Viz' Christmas, Easter & Whitsontide; And that where the fforthy p poll was not Collected last year that the same be Collected this year (according to the Directions of the Ord' of the last Assembly) for the Use of the Ministry, Ministers being sent for in & expected this ffall: And lastly Ordered that the Severall Sherriffes of the province make Strict inquiry of the Justices or other persons living within their respective Counties, if there be any Glebe Lands or personall Estate bestowed or given to the Church or towards building of Schooles or other pious Uses, whereof the Sherriffes are to Return an Acco' unto this Board & give Copy of this Order to the Vestry of each pish wthin their respective County's and that they signify to this Board vnder their hand by the 2^d day of October next of their having so done, under the pain & perill w^{ch} may Ensue for neglect of the same; The list of Taxables are then likewise by you to be Return'd.

Ord^r tht it
be moved to
the Bur-
gesses for a
Law that the
Church at
mount Cal-
vert be a
Court house
as well as a
Church &c^a

Ordered that it be Recommended to the house of Burgesses for a Law to be made that the Church at Mount Calvert be fitted to serve as well for a Court house as Church, And so in all other places where the same can conveniently be done.

August the 15th 1695.

The Councill again Sate and Were

Present

His Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l &c^a

Coll Henry Jowles	}	Coll John Addison	}
Coll George Robotham		John Courts Esq ^r	
Coll Charles Hutchins		Thomas Brooke Esq ^r	

p. 203 Maj^r Thompson's Lett^r to the Gov^r touching his seizure of a
Produced and read a Lett^r from Maj^r John Thompson to his Ex^{cy} dated the 19th day of July 1695: touching his Seizure of a Shallop belonging to James Anderson dec^d for Exporting skins without Entry

Shallop for &^{ca} and (as is said) was designed to have conveyed Lib. H. D.
false trading a way the s^d Shallop out of this Province into Pen-
&^{ca} & Mr Collier ap- silvania over Land; the which being Read it was
pointed Rid- thought Absolutely Necessary that a Riding Sur-
ing Surveys veyo^r or two be appointed And placed some where
to prevent such abuses convenient to take an Acco^t of all such Abuses
&^{ca} Ord^r for his Coinis- comitted, as also inspect Yearly what quantities of
sion & w^t his tobacco is made in those parts; Whereupon M^r Whitehall
Sallary to be p ann Thomas Collyer being proposed to be a proper and
fit person for the s^d Imploy who appearing & accepting
thereof, it was Ordered that Comi^con be prepared for him
accordingly, he finding Security for his due Execucon of the
said place &^{ca} & that for his trouble pains and care therein he
be allowed the Sum^e of Twenty pounds Sterl Yearly out of
the fines and florfeitures becoming due within this Province.

Mr Collier Ordered that the said Thomas Collyer be likewise
constituted Navall Officer for the Port of William-
stad^t. And that M^r Sam^l Watkins be in like man-
ner constituted Navall Officer of Petuxant District
and that Comi^sions be drawn for them accordingly
District &^{ca} Whitehall

August the 20th 1695.

Mr Watkins The said Sam^l Watkins Rec^d his Comi^sion as
upon Re- aboue and had Administred unto him the Oathes
ceipt of his Appointed by Act of parliam^t to be taken instead of
Comi^sion the Oathes of Allegiance & Supremacy and Sub-
tooke the scribed to the Test as also tooke the Oath of Trade Whitehall
Oathes &^{ca} and Navigation.

Mr Colliers M^r Thomas Collyer being gone to fit & prepare
preparac^on himself for his imployes it was Ordered that he should
for his im- be sworn before one of his Ma^{ty} hono^{ble} Councill or
ploym^t & one of the Justices of the Prov^l Court, before he
ord^r thereon Rece^d his Comi^sion, which accordingly was per-
&^{ca} formed as by the following certificate appears Viz^t

Coll Green- Memorandum That this day (to Witt) the 29th day
berry's Cer- of August 1695. Came M^r Thomas Collier before
tificate of me & tooke the Oathes appointed by Act of Par-
M^r Colliers liamen^t instead of the Oathes of Allegiance &
taking the Supremacy as also the Oath of Trade & Navigation
Oathes &^{ca} as being recomended to me by M^r Henry Denton Clk of the
Councill to Administer the a^d Oathes and also Subscribed to
the Test
Testes.

Nich: Greenberry

Lib. H. D. Talbot
B. 204 County Shff.
ordd to Ex-
ecute & Re-
ceive
Thomas
Broughs
forfeited
Recogni-
zance &c
& the Att.
Gen^l to pse-
cute him

Ordered that the Recognizance taken ag^t Thomas Brough in Talbot County Court being forfeited be Executed & Received by the Sherriffe of the said County & paid to his Ma^y Receiver And that M^r Attorney Gen^l prosecute the said Brough according to due Course of Law.

Whitehall Maj^r Kings
Oath abt his
Collection
of the 1^d p
hhd within
his District
&c

Came Maj^r Robert King Navall Officer of Pocomoke District & made Oath to his Collection of the 1^d p hhd wthin the s^d District from the 11th day of October 1694: to the 26th day of July A^o 1695 that the same is a just & true Acco^t

August 16th 1695:

The Councill again Sate & were p^rsent as before.

Whitehall Mr John
Elsey con-
tinued Depty
Clk of Cal-
vert County
of the Jus-
tices Con-
sent to the
same &c

Upon Representation, Ordered that M^r John Elsey Dep^y Clk of Calvert County Co^t, under M^r Thomas Briscoe lately deceased be Continued to Act in the said Station & place (if the Justices of the said County are consenting & do approve of the same) he taking halfe the profits and perquisits thereunto belonging unto his own use untill Notice be given from the hono^{ble} S^r Thomas Laurence Baron^t Secretary provided the said Elsey Enter into Bond wth one Sufficient Surety in the sume of one hundred pounds Sterl to his Ma^y for his due Execucōn of the said place as is usuall.

Whitehall Coll Darnall
the L^d Balte-
more agent
praying that
all Shiping
may make
their Entry
wth his L^{ds}s
Officers th^t
his Lop may
not be de-
frauded &
Order
thereon

Upon Reading a Petition of Coll Henry Darnall the Lord Baltemores Agent Setting forth that his Lo^{ps} Dues are much lessened for want of the Ships making due Report of their Lading, therein praying that all Ships & Vessells hereafter Coming in & trading wthin this Province may make due Entry of their said Ships & Vessells at their first coming in, wth his Lo^{ps} Officers, Ordered thereupon that all Masters of Ships & other Vessells for the future coming in & trading wthin this Province apply themselves to and make due Entry wth the Lord Baltemores Officers & give Bond for the Just paym^t of his Lo^{ps} Dues provided the said Officers shall not exact any Reward for the same, And that his Lo^p keep Officers convenient to the places where his Ma^y Officers are placed, And according to Act of Assembly, one at Annapolis & a Nother at Williamstadt.

Coronrs In-quests to be inquired into by the Kings Receiver Gen^l &c^a Ordered that George Plater Esq^r his Ma^{ty} Receiver Gen^l take care to make due inquiry into all the Returns of the Severall Coron's Inquests w^{thin} this Province p^ticularly into the Inquest of M^r John Hazlewood one of the Coron's of Dorchest^r County returned upon the Body of one Simon ffeene drowned in ffishing Creeke that where any thing becomes due to his Ma^{ty} he collect the same, And as his Ma^{ty} Attorney Gen^l make due proceedings therein, as the Law in that case Directs. Lib. H. D.

Sherriffs of the Province Ordered to acquaint the Surveyors of the Roads that they clear all publick Roads 20 foot wide &c^a Ordered that the Sherriffs of the Province acquaint the Surveyors of the highways appointed in the severall hundreds w^{thin} their respective Counties that they take care to see all publick Roads be cleared twenty foot wide & that the publick Roads w^{ch} lead to Annapolis & Williamstadt, the trees thereof be marked wth flour Notches, contriving to Leave all shady trees in clearing the same and to grub up all Roots & Stumps, and that bridges be made over the Swampy places where wanting & that the low and wet places of the Roads be drained. p. 205

Collectors & their Deptyes Ordered to Receive the 10 p^{lb} for tob transported to any of his Ma^{ty} American plantacons &c^a Ordered that the Severall & respective Collecto^{rs} w^{thin} this Province and their Dep^{ties} take care to Collect & Receive from the severall Mast^{rs} & Com^{manders} of Ships &c^a (Exporting Tob: out of this Province for any of his Ma^{ty} American plantations) the penny p^p pound in Money Sterl: Bills of Exchange or the full value thereof in tobacco at the price current pursuant to the directions of the Law in that case. Whitehall

August the 17th 1695.

The hono^{ble} Coll Charles Hutchins & Coll David Brown being Aded to the Councill, the said Matter was again taken into Serious debate and Resolved that an Answer to the said Govern^{rs} Letter be sent and that Cap^t Thomas Tasker go wth the same According to Order of the last Assembly and that Instructions be drawn up for to direct him how to proceed in the said Affair, the which were prepared accordingly & the said Cap^t Tasker sent for, Were Read & Signed by his Ex^{ncy} & afterwards delivered into his Custody and Charge; The said Letter & Instructions follow in these Words, Viz^t

Lib. H. D.

Port of Annapolis August 17th 1695

Govern^r S^r
 Letter to the
 Govern^r of
 New Yorke
 Sent by Mr
 Tasker Re-
 lating to
 Asstance of
 that place
 &c^a

Whitehall
 Y^r of the 17th of June past I did not Receive till about the middle of July, it not being sent by an Express the hono^{ble} his Ma^{ty} Councill of this Province living in the severall parts of it remote from this place makes it difficult to call them together & some of our Ships being but lately gone & the Collectors Districts laying a great way a Sunder, the Bills of Exchange for the late Additionall 3^d p^h h^d could not be got sooner, w^{ch} are reasons th^t I have not Returned your Ex^{ncy} an Answer before. This is to be p^resented to y^r Ex^{ncy} by M^r Thomas Tasker, one of the house of Burgesses and Treasurer of the Province, who (according to an Order of our late Sessions of Assembly) was appointed to wait vpon Your Ex^{ncy} when you sent either for men or Money in Ord^r to give you a just & full Acco^t of the state of this his Ma^{ty} Province in relation to both therefore do desire you will give Credit to what he shall Say

August the 19th 1695

The Councill again Sate & were Present as before with the Addition of the hono^{ble} Coll David Brown

Sherriff of
 each County
 Orded to
 give notice
 to the Clk of
 the Cort &
 Clk of In-
 dictm^{ts} to
 app^r before
 the Gov^r &
 Councill 1
 day of next
 prov^{ll} Cort
 to make
 Oath to the
 fines & flor-
 feitures &c^a

Whitehall
 Ordered that the Sherriff of each respective County give Notice to the Severall County Clerks & to the Clerks of the Indictm^{ts} that they & every of them be & personally appear at the port of Annapolis before his Ex^{ncy} in Council the first day of the next provincially Court in Order to make Oath to the fines & florfeitures passed in their Severall Courts, and for the future that they make Oath to the same before the Justices of the County Courts

Sherriff of
 Ann Arrun-
 dell & Tal-
 bot to Live
 in Annapolis
 & William-
 stadt for the
 future

Ordered that the Sherriff of Ann Arrundell & the Shff of Talbot County give publick Notice in all parts wthin the limits of their Counties that all persons who for the future shall be Constituted and appointed Sherriffs for either of the said Counties must Actually inhabit & live within the port of Annapolis for Ann Arrundell County & port of William Stadt for Talbot County & to the End such persons as are minded to make Application unto this Board for the same may pre-
 pare themselves Accordingly ag^t that time

August the 19th 1695.

Lib. H. D.
p. 190

Produced at the Board & Read a Proclamation to the said Effect w^{ch} was signed by his Ex^{ncy} & passed the Broad Seal of the Province, The Tenor whereof ffolows in these words Viz^t Whitehall

By his Ex^{ncy} the Cap^t Gen^l

A

Maryland ss

Proclamation

Proclamacon
relating to
the Death
of the Queen
& alteracōn
of all pro-
cess &ca of
this Province

Whereas it hath been Signified unto me by a Letter recd from the hono^{ble} John Povey Esq^r one of the Clerks of his Ma^{ty} Most hono^{ble} Privy Councill and Dep^{ty} Secretary of his Ma^{ty} Plantations bearing date the 9th day of March past how that it hath pleased Almighty God to take unto him self her late Ma^{ty} Queen Mary (of ever blessed and Glorious Memory) and of the Great and irreparable loss is thereby sustained And Forasmuch as upon all such Accidents there is a Necessity for the Alteracon of the Course and Manner of the Severall process and proceedings had & used in the Respective Courts &ca I have therefore (by and with the Advice of his Ma^{ty} hono^{ble} Councill) thought fit to publish and Make known, And I doe hereby accordingly Order & Comānd that from hence forward & for the future all & all manner of Writts, Writings, precepts, & process Whatsoever Judiciall or otherwise issuing forth of any his Ma^{ty} Courts or the Offices &ca within this Province, do beare Stile & ruē in the Name of his Ma^{ty} King William the third &ca Willing and Requiring the severall Sherriffes of the Province to make Proclamation hereof in the Most publick & convenient places within their Respective Counties to w^{ch} all persons here in any wise concerned are to Yeild all ready and due Obedience, as they and every of them will answer the Contrary at their perrill Given under the Great Seale of the Province this 19th day of August in the 7th Year of his Ma^{ty} Reign Annoq Domi: 1695.

God Save the King

Fr: Nicholson

Coll fletcher-
ers Lett^r
Relating to
Assistance
from this
Province &
Ord^r
thereon &ca

His Ex^{ncy} Signifying his Receipt of a Lett^r frō his Ex^{ncy} Coll Benj^a Fletcher Govern^r of New Yorke dated 17th of June last, requiring thereby Assistance from this Province of 160 men wth their proper Officers towards the Defence of his Ma^{ty} Province of New York in pursuance of her Ma^{ty} Royall Lett^r bearing date the 22^d day of August 1694: Whereupon was Ordered to be inspected her Ma^{ty} said Lett^r upon perusall whereof there did not appear any Officers therein Mentioned; Whitehall

Lib. H. D. Ordered that the said matter be Referred to be considered
 P. 191 off in a fuller Councill, being a thing of so considerable
 importance

his Ex^{cy}s
 Ord^r for ad- His Ex^{cy} haveing sent for what Burgesses were
 journing the in Town, as also the Justices of the Provincia^l Co^t
 prov^l Co^t & & Lawyers did discourse them in Councill about the
 proroguing Meeting of the Assembly & Adjourning of the said
 the assembly Court, proposing Whether it would not be most con-
 Whitehall to the 2^d of Court, proposing Whether it would not be most con-
 next & ca venient & least charge to have them both at one
 time in the beginning of October Next, & that they
 would speake if they have any thing to say to the Contrary
 p. 206 Who haveing nothing to say to the Contrary His Ex^{cy} was
 pleased to Order as it is hereby Ordered that the Provincia^l
 Court be Adjourned to the 2^d day of October next, being
 Wednesday and the Assembly further Prorogued until that
 time, And that Proclamation issue to give Notice of the Same,
 w^{ch} was Accordingly done, produced & Read & was Signed
 by his Ex^{cy} & passed the Broad Seal of the Province, The
 Tenor whereof follows in these words, Viz^t

By his Ex^{cy} the Cap^t Gen^l A Proclamation

Maryland ss

Proclamacōn Whereas the Gen^l Assembly of this Province
 for proroga- begun & held at the City of Sn^t Maries the 20th day
 tion of the of September last past, by Severall Adjournm^{ts} &
 Assembly & by prorogation on the 22th of May A^o 1695 Stands
 ajournm^t of the Prov^l Court & ca now prorogued unto the tenth day of Septemb^r next
 ensuing. And Forasmuch as it doth not appear at present
 that any Matters of Moment importing his Ma^{ty} Service or
 well fare of the Countrey will Offer themselves at that time to
 the Consideracōn of the s^d Assembly w^{ch} might then require
 their Meeting; It being besides upon the Mature deliberation
 and Advice of severall Gentl. of the house of Burgesses &
 Justices of the Prov^l Co^t & Lawy^{rs} (being thereunto called)
 considered that the Meeting of the Assembly and holding the
 Provincia^l Co^t both at one time may be very suitable &
 proper & less expensive to the Countrey I have therefore (by
 & wth the Concurrent Advice of his Ma^{ty} hono^{ble} Councill)
 thought fit, and I do hereby fully Resolve, determain, &
 Ordain, that the said Gen^l Assembly be further Prorogued
 unto the Second day of October next ensuing; And that the
 Prov^l Co^t be then likewise held dureing w^{ch} time (pursuant
 to former Rules & Orders) will likewise sit the Court of
 Chancery & the Govern^r & Councill for hearing Appeals &
 Writts of Error Whereof the severall Sherriffs of the Province

are hereby Strictly Enjoyed & Comanded to make Procla- Lib. H. D.
mation in the most publick & Convenient places wthin their
Respective Counties And to give due Notice as well to such
of his Ma^{ty} Councill & Justices of the Prov^l Co^t as do reside
wthin their said Respective Counties, as to all & Singular the
Dep^{ties} & Delegates by the freemen thereof thereunto Elected
& Chosen, that all Excuses set apart they & every of them be
& personally appear at the Port of Annapolis aforementioned
on the said 2^d day of October next to do & consent unto those
things, which then & there by the favour of God shall happen
to be Ordained, for the Glory of God, his Ma^{ty} service &
intrest of is Countrey, & the Justices afd in Ord^r to hold Co^t,
And the Sherriffes are hereby further Ordered to give Publick p. 207
notice through out their severall & Respective Counties that
all persons who have any Publick Claims to make to the
Assembly, that upon proveing their Acco^{ts} according to the
Directions of the Law in that Case and sending up the same
wth any one of the Burgesses of the house shall be deemed
Sufficient for allowance of the Same, provided such Acco^{ts} for
publick Services &^{ca} put in, be not over charged, the regula-
tion of all w^{ch} matters is left to the Comitte^e thereunto
Authorized and Appointed. Given at the Port of Annapolis
vnder the Broad Seal of the Province this 19th day of August
in the Seaventh Year of his Ma^{ty} Reign &^{ca} Annoq Domi:
1695

God Save the King:

Fr: Nicholson

Coll Wells
& Coll Codd
Ordrd their
appearance
to Answer
&^{ca}

It being Represented that Coll George Wells of
Baltimore County & Coll Sn^r Leger Codd of Kent
County two of his Ma^{ty} Justices of the Provincia^l
Court appointed have not as yet come to be sworne
in Obedience to the said Comission, Ordered there-
upon that the Sheriffes of the said Countyes give Notice to
each of them that all Excuses set a part they be and appear
before his Ex^{ty} & Councill at the Port of Annapolis by the
second day of October Next to shew cause (if any they have)
why they did not give their Attendance accordingly.

Clerke of
the prov^l
Court Ordrd
an Assistant

Upon Complaint made by the Justices of the
Provincia^l Court that there is want of an Assistant
to the Clerk of their Court, one person being
thought insufficient to manage the whole business of that
Court alone; Ordered thereupon that the hono^{ble} Thomas
Brooke Esq^r Dep^{ty} Secretary and Robert Mason Esq^r Attorney
of the hono^{ble} S^r Thomas Laurence Baron^e principall Secretary
take care to provive an Assistant accordingly.

Lib. H. D. Represented that noe person take up any Lot in Annapolis untill further ord^r from the Assembly &c^a Upon Representation Ordered that noe person whatsoever be suffered to take up any Lott within the Port of Annapolis Untill some further directions therein be given by the Assembly appointed to meet 2^d of October next, the Good of the Province in generall being thereby designed & intended

Then was Read the following Peticōn

To his Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l and Chief Govern^r in & over his Ma^{ty} Province of Maryland &c^a

The humble Petition of Edward Green

p. 208 Sheweth

Mr Greens Peticōn abt Wrecks &c^a & Ord^r thereon That whereas your Petition^r Liveth convenient to the sea board side in Somerset County & haveing a right to the greater part or share of those Marshes and Sand banks or beaches so termed Adjoyning to the sea board side or breakers of the main Sea within the said County of Somerset Your pet^r humbly Craves that your Ex^{cy} will be pleased to grant me a Comission for seazing all Wrecks condemnable by Law also all drift Whales or other great ffish belonging to his Ma^{ty} And the said ffish to Cut up and try for Oyle what can be got from the bluber thereof it being a hardship That any Strangers or Inhabitants should have freedom to range the said beaches belonging to your pet^r & cut the timber thereupon, Intreating that the Kings allowance may be modrate & Your favour herein will greatly Oblige me to thankfull Acknowledgm^t to your Ex^{cy}

And as in duty bound shall Ever pray &c^a

Whitehall The aboue said Peticon being Read, his Ex^{cy} in Councill was pleas^d to Order as it is hereby Ordered that a Comission issue to the said Green Empowering him to looke after those Matters he rendring a just & true Acco^t (as well of all his proceedings & future profits thereby accruing at all time & times, as occasion shall offer, as also of all other profits by him or any other person in those parts, by means of any such Drifts or Wrecks heretofore made and vnaccounted for) unto his Ma^{ty}s Court of Vice Admiralty on the Eastern Shore, giving Bond for the same & for paym^t of what part thereof shall belong unto his Ma^{ty} or Vice Admirall of this Province.

Mr Alderns Deputacon for Depty Collector of Port Williamstadt & Administration of the Oathes &c^a Mr William Aldern producing to this Board a Lib. H. D. Deputation given him by George Plater Esq^r his Ma^{ty} Collector of Petuxant District, for being his Dep^{ty} at the Port of Williamstadt, was admitted & Whitehall approved off & had Administred unto him the Oathes appointed by Act of Parliam^t to be taken instead of the Oathes of Allegiance & Supremacy as also the Oath of trade & Navigation & Subscribed to the Test.

August the 20th 1695:

The Councill again Sate and Were present as before

Madam Blakistons 3^d Bills of Exca Dld by the Gov^r in Councill to Esq^r Plater &c^a Delivered by his Ex^{ncy} in Councill unto George Plater Esq^r Madam Blakistons third Bills of Exchange, the w^{ch} his Ex^{ncy} had Recd from Esq^r Randolph

Mr Clarkes Oath to the Collection of 12^d p hhd impost &c^a Came M^r Philip Clarke Navall Officer of Potomock District & made Oath to his Acco^t of Collection of the imposition of 12^d p hhd on Tobacco Exported &c^a from the 24th of September 1694 till the 5th of June 1695. p. 209

Esq^r Platers Oath to the Collection of the 15^d p hhd & 3^d p tonn &c^a Came George Plater Esq^r Collector & Receiver of his Ma^{ty} Revenue wthin the District of Petuxant who made Oath to his Acco^t of Collection of the 15^d p hhd & 3^d p Tonn by him collected wthin that District from the Eigth of May 1695 unto the 30th of July following, that the same are just & true Acco^t Whitehall

Mr Denton being Deputed Depty Collector of the Port of Annapolis took the Oathes &c^a Henry Denton haveing Received a Deputation from George Plater Esq^r for being Dep^{ty} Collector wth in the Port of Annapolis had Administred unto him the Oaths Appointed by Act of Parliam^t to be taken instead of the Oathes of Allegiance & Supremacy as also the Oath of Navigation and Subscribed to the Test.

his Exacies directions that inquiry be made how writs of Eleccⁿ to supply vacant places should issue and Answer thereon It being represented that the house of Burgesses would (at their meeting) be deficient for want of some of the Members thereof, occasioned through death and otherwise; whereupon his Ex^{ncy} was pleased to give directions that inquiry should be made how Matters of that Nature had usually been carryed Viz' whether Writs of Election to supply the Vacant places should issue by his Ex^{acies} Order now

Lib. H. D. out of Assembly time, or that the Speaker should do it by his Warrant at the Meeting of the Assembly And upon inquiry made it was answered that the said Writs should issue in the Assembly time.

Mr Wilsons
answer abt
such persons
as were not
taken in the
List of
Taxables
Came M^r Ephraim Wilson according to Summons, who being asked concerning what Return he makes touching finding out such persons as were not taken in the list of Taxables & collecting their Leavy's &^{ca} pursuant to Order of Councill issued the 18th of October past, to w^{ch} the said Wilson Answers that the said Order never came to his hands during his Shrivalty but that he has procured a Copy of the said Ord^r now & will be accountable accordingly.

Sherriff of
each County
Ord^r to in-
quir of the
Rang^{rs} wth
wild horses
have been
taken up &
how dis-
posed of
since the
Gov^r ar-
rivall & th^t
for the
future they
surcease in
taking up
the same &^{ca}
Ordered that the Sherriff of each Respective County wth in this Province make inquiry what persons are Empower'd or Commissionated to Range for wild horses, And that the said Sherriuffs learn and inform themselves by the best Means & Wayes they can, what wild horses have been taken up since his Ex^{acies} Arrivall & how disposed off, and that notice be given to all such Rangers & other persons ranging & taking up wild horses, hogs or Cattle, as well with as without Lycense, that for the future they altogether Surcease & forbear ranging for and taking up any Wild horses, hogs or Cattle, not properly belonging to themselves, vnder paine and perill that shall fall thereon, hereby comāding the said Sherriffes to make due Returne unto this Board by the Second day of October next, how they shall have Executed this Order.

p. 210 An Acco^t of Warran^u given by his Ex^{acy} to the Sev'all Navall Officers &^{ca} for paym^t of the Impost of 3^d p hhd the first Acco^t whereof was made up the 22^d day of May & the later the 20th of August following Anno 1695 the Tenor whereof ran in these Words Viz'

Esqr
Platers
warr^t from
the Gov^r to
pay him
227^l 8^s & 3^d
You are pursuant to an Act of Assembly of this Province passed the 9th day of June Anno 1692: intituled an Act to the Act for the Settlem^t of an Annuall Revenue upon their Ma^{ty} Govern^r wth in this Province for the time being, being an Impost of 3^d p hhd upon every hhd of Tobacco exported &^{ca} And by vertue of an Order of Councill this day to pay unto me the sume of two hundred twenty seven pounds Eight Shillings & three farthings sterl: for which this shall be your Sufficient Warr^t

Given under my hand this 22^d day of May in the seaventh Lib. H. D.
year of his Ma^{ty} Reign &^{ca} Annoq Domi: 1695.

To George Plater Esq^r his Ma^{ty}
Collecto^r & Receiver wth in Petux^t District } Fr. Nicholson

These

Warr^t to
Ditto to pay
his Ex^{ncy}
248^{lb} 14^s
sterl
You are pursuant to an Act of Assembly of this
Province passed the 18th day of October Anno, 1694,
intituled an Act for Setling a Revenue on their Ma^{ty}
present Govern^r being an Impost of 3^d p hhd upon
every hhd of tobacco exported &^{ca} And by Vertue of an Ord^r
of Councill this day to pay unto me the sume of Two hun-
dred fforty Eight pounds, ffourteen shillings sterl. for w^{ch} this
shall be your Sufficient Warr^t Given under my hand this 20th
day of August in the Seaventh year of his Ma^{ty} Reign &^{ca}
Annoq Domi. 1695.

To George Plater Esq^r his Ma^{ty} Collect^r
& Receiver &^{ca} wth in the District of } Fr. Nicholson
Petux^t.

Warr^t
Drawn by
his Ex^{ncy} to
Mr Clerke
to pay him
in all 61^{lb} 3^s
& 1/2^d
The same Warr^{ts} drawn by his Ex^{ncy} for M^r Philip
Clarke Navall Officer of Potomock district to pay
unto his Ex^{ncy} (one bearing Date the 22^d of May
Anno 1695. for the sume of Twenty Eight pounds
six shillings & three pence sterl. the other the 20th
of August following, for the sume of thirty two pounds six-
teen shillings & nine pence halfe penny sterl.) in all the sume
of Sixty one pounds three shillings & a halfe penny sterl.

Ditto on
Maj^r King
for 21^{lb}: 19^s
1 1/2^d
The same Warr^{ts} drawn by his Ex^{ncy} for Maj^r:
King Navall Officer of Pocomoke District to pay
unto his Ex^{ncy} (one bearing date the 22^d of May A^o
1695. for the sume of Twelve pounds Eleaven shillings &
Seaven pence half peny sterl. the other the 20th of August
for the sume of nine pounds seaven shillings & six pence
sterl.) in all the Sume of Twenty one pounds Nineteen Shill-
ings & three halfe pence sterl.

Gov^r full
accot of
all Warr^t
given to
the severall
Navall Offi-
cers & Col-
lect^r from
his arrivall
to the Date
hereof for 3/4
parts of the
addiconall
Duty of 3^d
p hhd &^{ca}
A brief & full Acco^t of all Warr^{ts} in generall Given p. 211
by his Ex^{ncy} to the Severall Navall Officers &^{ca} for
paym^t of the 3 fourth parts of the 1^s p hhd & of the
additional Duty of 3^d p hhd from the time of his
Ex^{ncies} first Arrivall unto this 24th day of August
Anno 1695 as follows Viz^t

✓ Lib. H. D. May 22d, 1695	Warrant to George Plater Esq' Collec- tor & Receiver of petuxant District to pay unto his Ex ^{ncy}	682 .. 04 .. 02 .. 1
	Warrant upon Ditto to pay to Ditto	227 .. 08 .. 00 .. 3
August 20th, 1695	Warrant upon Ditto to pay to Ditto	745 .. 02 .. 00 .. 0
	Warrant upon Ditto to pay to Ditto	248 .. 14 .. 00 .. 0
	In All	£1903 .. 08 .. 03 .. 0
May 22d, 1695	Warrant to M ^r Philip Clarke Navall Officer of Potomock District to pay unto his Ex ^{ncy}	84 .. 18 .. 09
	Warrant upon Ditto to pay to Ditto	28 .. 06 .. 03
August 20th, 1695	Warrant upon Ditto to pay to Ditto	98 .. 10 .. 03 .. 3
	Warrant upon Ditto to pay to Ditto	32 .. 16 .. 09 .. 2
	In All	£244 .. 12 .. 01 .. 1
May 22d, 1695	Warrant to Maj ^r Rob ^t King Navall Officer of Pocomoke District to pay unto his Ex ^{ncy}	37 .. 14 .. 11 .. 2
	Warrant upon Ditto to pay to Ditto	12 .. 11 .. 07 .. 2
August 20th, 1695	Warrant upon Ditto to pay to Ditto	28 .. 02 .. 06
	Warrant upon Ditto to pay to Ditto	9 .. 07 .. 06
	In All	£87 .. 16 .. 07

Maryland ss

p. 212 Know all men by these p'sents that we Edward Green and John Edmundson of the Province of Maryland gent. are holden & firmly bound unto his Ex^{ty} Francis Nicholson Esq^r his Matys Cap^t generall and Vice Admirall of the Same in the full and Just Sume of five hundred pounds of Lawfull money of England to the which paym^t well and truly to be made unto the s^d Francis Nicholson his heires Ex^{ns} adm^{ns} or Assignes we bind our selves and each of us our and either of our heires Ex^{ns} and Adm^{ns} in the whole and for the whole firmly by these p'sents as Wittness our hands and Seales this Twenty first day of August in the Seaventh year of his Matys reigne &c. Anoq Dni 1695.

The Condition of this Obligacōn is Such that Whereas the above bound Edward Green hath by his humble petition to his s^d Ex^{ty} Francis Nicholson Esq^r in Councill humbly sett forth that liveing Convenient to the Sea bord side in Sumersett County & owning most part of the Marshes, Sand banks and breakers of the maine Sea so farr as the Limitts of the said County Extends therefore prayd a Comission might be given him for the Seizing all Wrecks thither Comeing & Condemnable as also to look after all Whales & other Royall fish which at Any time may happen to be driven and Call up there with Liberty of Trying Oyle what Can be gott of the bluber of the Same which being granted it is hereby provided that if the

said Edward Green shall render a Just and True acc^{tt} of all such Wrecks Drifts Whales or other Royall fish as either heretofore or for the future have or shall come into his possession Whereof an Advantage or benefitt unto him the s^d Edward Green hath at any time heretofore been made or hence forward shall be made unto his Matys Court of Vice Admlyty on the Eastern shoar & pay such pt thereof unto his Matys Recev^r gen^l without fraud or Covin as unto his Maty by law shall become due & unto the Vice Admirall what shall be his due then the above Obligation to be Voyd Otherwise to stand and remaine in full force and Virtue.

Signed Sealed and Delivered Ed^d Green [Seal]
in the p^sence of us,

John Morrough
Hen: Denton

John Edmundson [Seal]

Maryland ss.

Know all men by these p^sents that we Thomas Collier, p. 213
Henry Jowles Esq^r and Francis Collier are holden and firmly bound unto his Ex^{cy} Francis Nicholson Esq. his Matys Cap^t gen^l and Chiefe Gov^r of this Province in the full and Just Sume of one Thousand pounds of Lawfull money of England to be payd to the said Francis Nicholson Esq^r his heires Exⁿ Admⁿ or Assignes to the which paym^t well and truly to be made we bind our Selves and either of us by himselfe our and Either of our heires Exⁿ and Admⁿ Jointly and Sev^{ally} for the whole and in the whole firmly by these p^sents Wittness our hands & Seales this 22^d day of August Annoq Dni 1695.

The Condition of the above Obligation is such that Whereas his Ex^{cy} Francis Nicholson Esq^r afores^d hath Comissionated and Appointed the s^d Thomas Collier to be Navall Officer for the Port of W^mStadt and Rideing Surveyor within all Limits and p^cincts of the five Countyes lying on the Eastern shoar within the s^d Province by his Comission bearing equall Date with these p^sents. Now if the said Thomas Collier shall well and truly p^rforme his Duty in the Managem^t of the two said Offices according to the Laws of England and shall observe the sev^{all} Acts of Assembly of this Province and the directions Sett down in two Certaine Proclamations bearing Dates the 17th day of August Instant touching the Trade of Pensilvania and the other bearing Date the Twentieth of the s^d month relateing to the Gauge of Tobbacco hhds &c. and from time to time Save defend and Keep harmless the said Francis Nicholson Esq^r from all Damages Loss and Charges that he the s^d Francis Nicholson Esq^r shall Susteine att any time by reason of the s^d Colliers non p^rformance of the s^d Offices so long as he shall enjoy the Same as in the said Severall Laws

Lib. H. D. is Enacted and Ordained and in the s^d Proclamacōns is sett forth then the above Obligacōn to be Voyd and of None effect, otherwise to be and remaine in full force and Virtue.

Thomas Collier [Seal]

Signed Sealed and Delivered }
by the s^d Henry Jowles in }
p'sence of

Hen Jowles [Seal]

Tho: Grunwin

ffra: Collier [Seal]

Hen: Denton

And Sealed and Delivered by the
other two p'sons in p'sence of

Hen: Denton

Stephen Blatchford

Maryland ss. Know all men by these p'sents that we Samⁿ Watkins of the Province of Maryland Gent and Robert Smith and Robert Mason Esq^r are holden and firmly bound unto his Ex^{cy} ffrancis Nicholson Esq^r theire Matys Cap^t genⁿ and Chiefe Govern^r of this Province in the full Sum of one Thousand pounds of Lawfull money of England to be payd to the said ffrancis Nicholson Esq^r his heires Ex^{ts} Adm^{ts} or Assignes to the which paym^t well and truly to be made we bind ourselves and either of us by himsele our and either of our heires Ex^{ts} and Adm^{ts} Jointly and Sev^rally for the whole and in the whole firmly by these p'esents Witness our hands & Seales this 20th day of August Anno Dni 1695

p. 214 The Condition of the above written Obligation is such that Whereas his Ex^{cy} ffrancis Nicholson Esq^r afores^d hath Commissionated and Appointed the said Samⁿ Watkins to be Navall Officer for the District of Putuxent River within the s^d Province by his Commission bearing Equall Date with these p'esents Now if the s^d Samⁿ Watkins shall well and truly pforme the said Office according to the Sev^rall Acts of Parliam^t in that Case made and provided and shall observe the directions Contained in the Acts of Assembly of this Province relateing to the Duty of Navall Officers and from time to time Save and keep harmless the s^d ffrancis Nicholson Esq^r from all Damages loss and Charges that the s^d ffrancis Nicholson Esq^r shall Susteine at any time by reason of the said Watkins non pformance of his said Office so long as he shall Injoy the same as in the s^d Sev^rall Laws is Enacted and Ordeined Then the above Obligation to be Void and of none effect otherwise to be and remaine in full force and Virtue

Sealed and Delivered
in the p'sence of
John Hammond
Rich^d Hill

S. Watkins [Seal]
Rob^t Mason [Seal]
Rob^t Smith [Seal]

August 24th 1695

Lib. H. D.

Memorandum that his Ex^{ncy} gave Receipts upon the back of all the above Warr^s & were Delivered to the parties above named.

Money Re- Remitted unto Cap^t Peter Pagan in the first ffilet
mitted to out of the Publick Revenue first stated the quarter
Capt Pagan part of the 1st p hhd by George Plater Esq^r his
to purchase Ma^{ty} Receiver &^{ca} being sent to purchase publick
Armes for the Defence Arms for the defence of this Province amounting
of the Prov- to the sume of 305^{lb}.. 12^s.. 02^d 3/4
ince &^{ca}

Paid by his Ex^{ncy} unto Capt Tregany for }
Locks &^{ca} } 3 .. 02 .. 00
as by the following Receipt appears }
£ 308 .. 14 .. 02 3/4

On board the Canterbury Xber 7th 1694.

Gov^ts warr^t S^r Allow to Cap^t Henry Tregany the sume of p. 212
& Tregany's Rect for Three pounds two Shillings of the 15^d p hhd on
money &^{ca} board his Ship the Canterbury And this shall be
your Warr^t

To George Plater Esq^r their Ma^{ty} Collecto^r
& Receiver of Petuxant District Fr: Nicholson.

To 12 gunn Locks	2 .. 10
To 12 Indian Hatchets	0 .. 12
	<u>3 .. 2</u>

bought of mee Hen: Tregeny

Port of Annapolis August 20th 1695

Mr Clarke Then accounted with his Ex^{ncy} Francis Nicholson
Gen^l Re- Esq^r Cap^t Gen^l & Govern^r in Chief of his Ma^{ty}
ceipt on the Province of Maryland from the begining of the
Govern^r &^{ca} world to this day & nothing is due from his said Ex^{ncy} he
having paid mee the Ballance being five pounds Eight Shill-
ings & Ten pence Sterl as Witness my hand the day and
Year above Writen

Test Philip Clarke.
George Plater

Port of Annapolis August the 20th 1695.

his Ex^{ncies} Then Accounted wth his Ex^{ncy} Francis Nicholson
Gen^l Re- Esq^r Cap^t Gen^l & Govern^r in Chief of his Ma^{ty}
ceipt from Province of Maryland from the beg^{ing} of the World
Maj^r King

Lib. H. D. to this day & nothing is due from his said Ex^{ncy} he haveing paid mee the Ballance being ffour pounds Eight shillings & ten pence sterl: as Witness my hand the day & year aboue Written

Test
John Morrogh

Rob' King Navall Officer

August 22th 1695.

his Ex^{ancies} Gen^{ll} Re-
ceipt from
Mr Plater
wth Errors
& omicōns
Excepted
&ca Memorandum that all Acco^{ts} whatsoever were then Adjusted betwixt his Ex^{ncy} Francis Nicholson Esq^r his Ma^{ty} Cap^t Gen^{ll} & Govern^r in Chief of Maryland and George Plater Esq^r his Ma^{ty} Collecto^r & Receiver of Petuxant District, his Ex^{ncy} at the same time paying him the sume of ffifteen pounds & ten pence Sterl. w^{ch} said sume brought the Acco^{ts} betwixt them to an Exact Ballance, all Errors & omissions excepted & to be allowed, Memorandum that his Ex^{ncy} pay to the Colledge in Virginia the sume of one pound three shillings & three pence, being so much underpaid by M^r Plater upon his Making up his Acco^{ts} of the penny p pound.

Witness hereof
Hen: Denton.

George Plater.

May the 4th 1694.

p. 213 Sr Edmond Andros Rect to Mr Plater for 38lb: 3^s sterl &ca Then Recd of George Plater thirty eight pounds three Shillings for & on Acco^t of Navall Officers ffees I say recd by

E Andros.

May the 7th 1694.

Ditto receipt to Ditto for 8s sterl &ca Maryland Then recd of George Plater the sume of Eight pounds Sterl for and on Acco^t of Navall Officers ffees recd by

E Andros.

Maryland ss. Francis Nicholson Esq^r Cap^t Gen^{ll} & Govern^r in Chief in & over this his Ma^{ty} Province of Maryland the Islands & Territories thereunto belonging & Vice Admirall of the same.

To Edward Green of Somerset County Gentl Greeting

Mr Greens Commission from his Ex^{ncy} to seize all Wrecks &ca Whereas upon the humble petition of you the said Edward Green unto me in Councill set forth, that liveing convenient unto the Seaboard Side in Somerset County and haveing a right to the greatest part or share of those marshes sand banks or Breakers so termed adjoyning upon the same, therefore prayed a power

might be granted you for the Seizing all Wrecks thither coming & by Law condemnable &^{ca} as also to preserve & take care of all Drift Whales Grampus's & other Royall fish unto his Ma^{ty} belonging, being driven or cast up on the said Sea board Side, wth liberty to Trye for Oyle, what can be got from the blubber thereof And Forasmuch as their Ma^{ty} did (by their Royall Comission under the great Seal of the high Court of Admiralty of England bearing Date at London the ffifth day of March 1693/4 and in the Sixth year of their said Ma^{ty} Reign) Give and Grant unto me the said Francis Nicholson Esq^r full & ample Jurisdiction of Vice Admirall within all the Bayes, Rivers, Creeks, harbours, inlets, Islands & Territoryes whatsoever belonging to or Coming within any the precincts limits or Jurisdiction of the Province a^d By Vertue whereof I (reposing Speciall Trust & confidence in your ffidelity care & circumspection in and about the Matters above petition'd for) Doe hereby constitute, Depute & appoint you the said Edward Green Chief & only Officer under me for the taking seizing cutting up & trying the blubber, and making such other vse & benefit as you shall think fit or possibly can for the most advantage of all such drift whales Grampus's or other Royall ffish and of all or any other Drifts, Wastes, or Wrecks, whatsoever as shall at any time hereafter happen to come or be cast on shore on the Seaboard Side wth in the limits & Jurisdiction of this Province, Hereby fully Authorizing & Empowering you the said Edward Green to make depute & imploy under you so many Dep^{ties} or other persons (for the better managem^t of the said Affair) as you in your discretion shall think fit & requisit Provided you the said Edward Green shall at all time & times (as occasion shall Offer) render a true and perfect Acco^t (as well of all your proceedings herein & the p^{ro}fits & Advantages which thereby henceforward shall accrue, as also of all other profits by you or of any other person in those parts by Means of any such Drifts or Wrecks aforementioned heretofore made & yett unaccounted for) vnto his Ma^{ty} Court of Vice Admiralty on the Eastern Shore & pay or Cause to be paid unto his Ma^{ty} Receiver Gen^l such part & share of all such Drifts & Wrecks as by the said Court shall be adjudged unto his Ma^{ty} to appertain & belong and likewise pay & satisfye unto me the said Francis Nicholson Esq^r what shall be found to be my Due as Vice Admirall, Willing & requiring all Magistrates & Officers Military and Civill with in this Province & others the Inhabitants thereof to suffer & permit you the said Edward Green & such person or persons to be by you Authorized and Empower'd as afores^d quietly and peaceably to Execute & performe the powers & Authorities hereby given and Granted you; And to Resist,

Lib. H. D.

p. 214

Lib. H. D. oppose & prevent all others, Strangers, intruders or interlopers whatsoever that shall presume at any time hereafter to intermedle or concern themselves therewith, without leave or Lycense so to do, first legally had and Obtained To have and to hold the place and Office aforesaid and the powers and Authorities herein and hereby given and granted to you the said Edward Green for and during pleasure; Given at the Port of Annapolis under my hand and Seal this 21th day of August in the seaventh year of his Ma^{ty} Reign &^{ca} Annoq Domini: 1695.

Fr. Nicholson

p. 215 Mr Greens Bond for performance of his Comicon touching Drift Whales Know all men by these presents that Wee Edward Green & John Edmondson of the Province of Maryland Gentl: are holden & firmly bound vnto his Ex^{cy} ffrancis Nicholson Esq^r his Ma^{ty} Cap^t Gen^l and Vice Admirall of the same, in the full and just sume of ffive hundred pounds lawfull money of England, the which paym^t well and truly to be made vnto the said ffrancis Nicholson Esq^r his heirs Ex^{ra} Adm^{ra} or Assigns Wee bind our selves and each of vs, our and either of our heirs, Ex^{ra} and Adm^{ra} in the whole and for the whole firmly by these presents, as Witness our hands and Seals this 21th day of August in the seaventh year of his Ma^{ty} Reign Annoq Domi: 1695.

The Condition of the aboue Obligation is such that Whereas the aboue bound Edward Green hath by his humble petition unto his said Ex^{cy} ffrancis Nicholson Esq^r in Councill humbly set forth that living convenient to the Seaboard side in Somerset County & owning most part of the Mashcs, sandbancks or breakers of the Main sea so far as the Limits of the said County extend; therefore prayed a Commission or power might be given him for the seizing all wrecks thither coming & by Law condemnable, as also to looke after all Whales & other Royall ffish which at any time may happen to be driven & cast up there, with liberty of trying for Oyle what can be got from the blubber of the same, w^{ch} being granted, it is hereby provided that if the said Edward Green shall render a just & true Acco^t (of all such Wrecks, drift whales or other Royall ffish as either heretofore or for the future haue or shall come into his possession, whereof an advantage or benefit unto him the said Edward Green hath any time heretofore been made or henceforward shall be made) unto his Ma^{ty} Court of Vice Admiralty on the Eastern shore and pay such part thereof unto his Ma^{ty} Receiver Gen^l (without fraud or covin) as unto his Ma^{ty} by Law shall become due & unto the

Vice Admirall what shall be his due then the above Obliga- Lib. H. D.
tion to be void, otherwise to stand & Remain in full force &
vertue.

Signed Sealed & Deliuered in the Edward Green [Seal]
presence of John Morrogh John Edmondson [Seal]
Hen Denton

Francis Nicholson Esq^r Cap^t Gen^l & Govern^r in
Chief of this his Ma^y Province of Maryland
To Thomas Collyer of Talbot County Gentl. Greeting

Mr Colliers Whereas by an Act of Parliam^t made in the 15th p. 216
Comiñon for year of King Charles the Second, intituled an Act
Navall Officer for the Encovragem^t of Trade, amongst other things
of the Port it is Enacted for the better prevention of ffrauds,
of Wm Stadt That all Masters and Comanders of Ships and Ves-
& Riding sells coming into any Land, Island, Plantacōn,
Survey^r of Colony, Territoryes or places belonging to his Ma^y
the 5 Coun- his heirs and Successo^{rs} shall make known to the
tyes on the Govern^r of such Land, Island Plantacon &^{ca} or such other per-
Eastern son or Officer as shall be by him thereunto Authorized and
Shore appointed And Forasmuch as upon Representation of the
 illegall & irregular Trade driven and carryed on by Merchants
 & others coming from Pensilvania & Tradeing here within
 this Province, it hath been thought expedient (for the better
 regulating that Trade and preventing such abuses for the
 future) to appoint a Riding Surveyo^r for the Severall Coun-
 tyes lying on the Eastern shore, in pursuance of both which,
 and for the better Execucōn of the af^d Act and other Rules
 contained in Severall Acts of Parliam^t Relating to the Duty of
 a Navall Officer, as all so the severall Laws of this Province.
I do hereby Authorize and appoint you the said Thomas
Collyer to be Navall Officer for the Port of Williamstadt, as
also Riding Surveyo^r within all the Limits & precincts of the
ffive Counties on the Eastern Shore within the said Province,
with full power & Authority to inspect, Examine & inquire
into all such abuses committed and to take an Acco^t yearly
what quantities of Tobacco is made upon the ffrontier Planta-
tions lying nearest to the Governm^t of Pensilvania af^d And to
the End you may better discharge your Duty in the trust
hereby committed vnto you I do fully Authorize and Empower
you to put in strict Execucon the severall powers contained
in the aforementioned Acts of Parliam^t Laws of this Province
and the directions of two proclamations by me issued, the one
bearing Date the 17th day of August instant, touching the
Trade of Pensilvania & the other bearing date the 20th of the

Lib. H. D. said Month, relating to the gage of tob: hhds &^{ca} And to Observe all such further directions as you shall from time to time Receive from me relating to the Duty of the said Offices And all Officers Civill & Military and all other his Ma^{ty} loving Subjects are hereby desired & comanded to be Aiding & Assisting to you the s^d Thomas Collyer in the Execucon of your s^d Offices; Given under my hand and seal at the Port of Annapolis this 22th day of August in the 7th year of the Reign of our Sov^{rain} Lord King William &^{ca} Annoq Domi: 1695.

Fr. Nicholson

Maryland ss

p. 217 M^r Colliers
Navall Off-
cers Bond
for perform-
ance &^{ca} Know all men by these Presents that wee Thomas Collier Henry Jowles Esq^r and Francis Collier are holden and firmly bound unto his Ex^{ty} Francis Nicholson Esq^r his Ma^{ty} Cap^t Gen^l & Chief Govern^r of this Province in the full & Just sume of one thousand pounds of Lawfull Money of England to be paid to the said Francis Nicholson Esq^r his Ex^{ty} Admⁿ or assigns to the which payment well and truly to be made Wee bind ourselves & either of us by himself our & either of our heirs Ex^{ty} and Admⁿ Joyntly & Severally, for the whole and in the whole firmly by these presents Witness our hands and Seales this 22th day of August Annoq Domi: 1695

The Condition of the aboue Written Obligation is such that whereas his Ex^{ty} Francis Nicholson Esq^r asd hath Commissionated & appointed the said Thomas Collier to be Navall Officer for the port of William Stadt & Riding Surveyo^r within all the Limitts & precincts of the five Counties Lying on the eastern shore wthin the said Province by his Comission bearing equall Date with these presents, now if the said Thomas Collier shall well & truly perform his Duty in the managm^t of the two said Offices according to the Laws of England, And shall observe the severall Acts of Assembly of this Province and the directions set down in two Certain proclamations issued, the one bearing date the 17th day of August instant touching the trade of Pensilvania & the other bearing date the 20th of the said Month relating to the gage of Tobacco hhds &^{ca} And from time to time Save Defend and keep harmless the said Francis Nicholson Esq^r from all Damage Loss & Charges that he the said Francis Nicholson Esq^r shall sustain at any time by Reason of the said Colliers non performance of his said Offices (so long as he shall enjoy the same) as in the said Severall Laws is Enacted and Ordained and in the said Proclamations is set forth, Then the aboue Obligation to be void and of none Effect otherwise to be and Remain in full force and Vertue.

Sealed and Delivered by the s^d Hen: Jowles

Lib. H. D.

in the presence of

Tho: Collier [Seale]

Tho. Grunwin

Hen: Jowles [Seale]

Hen Denton

& Sealed & delivered by the
other two persons in p^rsence of

Hen Denton

Stephen Blatchford

Mr Watkins
Navall Offi-
cers Bond
&c

Maryland ss

Know all men by these p^rsents that we Samuel p. 218

Watkins of the Province of Maryland Gentl. and
Robert Smith & Robert Mason Esq^r are holden and firmly
bound unto his Ex^{cy} Francis Nicholson Esq^r his Ma^{ty} Cap^t
Gen^l and Chief Govern^r of this Province in the full and Just
Summe of one thousand pounds of Lawfull Money of England
to be paid to the said Francis Nicholson Esq^r his Ex^{ty} Adm^{ty}
or assigns to the which paym^t well & truly to be made wee
bind ourselves & either of us by himsele our and either of our
heirs Ex^{ty} & Adm^{ty} Joyntly and Severally, for the whole & in
the whole firmly by these presents Witness our hands and
Seales this 20th day of August Annoq Domi: 1695

The Condition of the aboue written Obligation is such that
whereas his Ex^{cy} Francis Nicholson Esq^r afd hath Comission-
ated and appointed the said Samuell Watkins to be Navall
Officer for the District of Petuxant River wthin the said Pro-
vince by his Comission bearing equall Date wth these presents
Now if the said Sam^l Watkins shall well and truly perform the
said Office according to the severall Acts of Parliam^t in that
Case made and provided and shall Observe the directions
contained in the Acts of Assembly of this Province relating to
the Duty of Navall Officers & from time to time Save defend
& keep harmless the said Francis Nicholson Esq^r from all
Damage loss or charges that he the said Francis Nicholson
Esq^r shall sustain at any time by reason of the said Watkins
non performance of his said Office (so long as he shall enjoy
the same) as in the said Severall Laws is Enacted & ordained
then the aboue Obligation to be Void & of none Effect
otherwise to be & remaine in full force & Vertue.

Sealed and Delivered in

S Watkins [Seale]

the presence of

Robert Smith [Seale]

Joⁿ Hammond

Rob^t Mason [Seale]

Rich^d Hill

July the 1st 1695.

Presented unto his Ex^{cy} by Severall Masters & Comand^{rs} p. 219
of Ships the following petition Viz^t

Lib. H. D. Petición of To his Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l
 severall and Govern^r in Chief of their Ma^{ty} Province of
 Mastrs & Maryland.
 Comāders of Ships to
 of Ships to his Ex^{cy}
 his Ex^{cy} praying a
 praving a Comicon for
 Comicon for Cap^t Bradley
 Cap^t Bradley to be their
 to be their Commadore
 Commadore &c^a

The humble Petition of Severall Masters and Comāders of
 Ships now Riding at Anchor wth their Vessells at the Mouth
 of Petuxant River

Humbly Sheweth

That whereas your Petⁿ being left behind w^{thout} any Con-
 voy and being very desirous to sayle from hence to England
 in some regular Method & manner and to be invested wth
 some power Offensive & Defensive, do become humble
 Suitoⁿ unto your Ex^{cy} that you will favourably be pleased to
 Grant them such Comission accordingly & that Cap^t Dan^l
 Bradley may therein be appointed & constituted their Comā-
 dore for to give them such Sailing Orders and Instructions as
 in such case is Usual; And Your petⁿ as in Duty bound

Shall ever pray &c^a

Barthol Watts
 Tho. Emmes
 Jer. Deeble
 Sam^l Phillips Jun
 Joseph Scotting
 Tho. Withington
 ffran^a Harbin
 Robert Duck
 Will: Penn
 Robert Stevenson
 Daniel Watts
 Richard Bass
 Henry Munday

Order upon his Ex^{cy} was pleased to Order the said petición to
 the above be Endorsed as follows Viz^t By his Ex^{cy} the
 petition &c^a Govern^r &c^a July the 1st 1695.

The Contents of the wthin peticon prayed for appearing to
 be for their Ma^{ty} imediate Service; Ordered that Comission
 issue to Cap^t Dan^l Bradley, at the joynt consent & request of
 the Subscribers thereto according as they have prayed

Signed p Ord^r Hen Denton Clk Concil

Maryland ss.

Lib. H. D.

Capt Bradlys Francis Nicholson Esq^r Cap^t Gen^l & Govern^r in p. 220
Comission Chief in & over their Ma^{ty} Province & Territory of
for being Maryland in America To Cap^t Daniell Bradley
Commadore Comander of the Ship Joseph of London Greeting

Whereas severall Masters and Comanders of Ships now Riding at Anchor wth their Vessells at the Mouth of Petuxant River within this Province have by their humble petition this day set forth unto me that being left behind w^{thout} any Convooy they therefore desire some power might be granted unto you the said Cap^t Dan^l Bradley in the nature of Comadore to Comand the rest of the said Ships left behind & give such Sayling Ord^s & Instructions for the safe conveying of the said Ships as in such Case is Usual and being ready & Willing to gratify the said Masters request, it appearing for their Ma^{ty} Service, have therefore (by Virtue of their Ma^{ty} Royall Comission unto me the said Francis Nicholson Esq^r (under the Broad Seal of England Granted bearing Date the 10th day of febr^y Anno 1693) for the Governm^t of their Province of Maryland afd) thought fit for the reasons afd to constitute & appoint you the aforesaid Cap^t Dan^l Bradley (having especiall trust & Confidence in your Loyalty, Courage, Care, Conduct & circumspection) to Comand and Convooy for England all such Ships & Vessells as being now left behind shall freely consent to Come under your Convooy, by virtue of this Comission granted unto you, Giveing & Granting unto you the said Daniell Bradley hereby full power & Authority to Encounter fight burn & destroy; as also to apprehend Seize & take any their Ma^{ty} Enemies in your Voyage home for England, as likewise give such Sayling Orders & Instructions to the severall Masters under your said Convooy as by the said Mast^{rs} & you the said Daniell Bradley shall (before your departure from this Province) be agreed upon, And that you generally Act & do in all things for the Service of their Ma^{ty} & good of this ffilet committed unto your Charge as fully and Amply as any Commadore ought or should do; Provided you Surcease this power & Authority at all time & times as you shall happen to come under the protection or in the Company of any of their Ma^{ty} Men of Warr during this Voyage, at the end whereof this Comission shall Cease; Given under my hand and Seal this first day of July in the Seaventh year of their Ma^{ty} Reign &^{ca} Annoq Domi: 1695. Fr: Nicholson.

An Account of the Powder according to Division of the p. 221
same made October the 9th 1694, together with an Account of
what Barrells were deducted vpon blowing vp the Chancellors
house, Viz'

Lib. H. D.	Division of the Gun- powder &c		Barrells	
		To Charles County	10	Rec ^d as p Receipt ap- pears.
		To Baltimore County	10.1:	deducted & 9 lodged at M ^r Harpers & ^{ca}
		To Cæcill County	8: 1:	deducted & 7 deliver'd to Coll Hermans Ord ^r by John Evans.
		To Kent County	3	Lodged at Mattapany as p Receipt
		To Talbot County	7: 1:	deducted & 6 Rec ^d as p Receipt
		To Dorchester County	5:	Received as p Receipt
		To Somerset County	6: 2:	deducted & 4 Rec ^d as p Receipt
		To S ^t Maries County	6: 2:	deducted & 4 deliv- ered to Coll Cood } by John Evans }
		To Calvert County	9: 1:	deducted & 8 lodged at Jos: Edloes as p Rec ^t
		To Ann Arrund ⁿ County	9: 1:	deducted & 8: lodged at Mattapany as p Receipt

Barrells divided 73 (9 forced to be deducted being lost by fire.)

A List of the Armes which were blowne vp in the Chancelo^rs house at S^t Maries & afterwards being pickt vp were (by Ord^r) sent to M^r Harpers at petuxant, in Order to be by M^r Plater convey'd for England, were by mistake carried thence in Coll Thomas's Boat with the powder of th^t County Viz^t

List of broken Arms found after the blowing vp of the Chancelo ^r s house	Thirty Eight Musket barrells whole.
	Ten Musket Barrells whole, with their Locks & part of the stocks.
	four Barrells broken.
	One Barrell & part of the Lock & stock.

One other Barrell with part of the lock & but end of the stock gone.

Eleaven but ends of stocks with locks on them.

One peice of stock with part of the Lock.

five but ends & one stock a little broken.

Eight whole Locks.

Three plates for the but Ends of the stocks.

The above Account of the broken Armes was (in the State house at S^t Maries) taken by me

Hen: Denton Cl Concil

By the Comⁿ for Executing the Office of Lord High Admi- Lib. H. D.
ralty of England Ireland &^{ca}

The Lords of the Admiralty's Power to Govern Nicholson &^{ca} By Vertue of the Power and Authority to Us given; Wee doe hereby Impower You, to Appoint a Judge, Register and Marshall, of the Vice Admiralty of Maryland, notwithstanding any former Ordⁿ to the Contrary, Dated at the Admiralty Office this 2^d of October 1695

To Colonel Nicholson } J. Lowther
Govern^r of Maryland } H. Preiceman
By Com^{and} of the Comⁿ } Rob^t Austin
W^m Bridgeman

At a Councill held at the Port of Annapolis the third day of p. 222
October, in the Seaventh year of his Majesties Reign &^{ca}
Annoq Domini, 1695

Present

His Excellency ffrancis Nicholson Esq^r Cap^t Gen^l &^{ca}

Coll Nich^o Greenberry } Thomas Brook Esq^r }
The hono^{ble} Coll John Addison } James ffrisby Esq^r }
Coll John Courts }

Ordr touch- Produced and read a Letter received by his
ing Seizure Ex^{ncy} from Henry Denton Dep^{ty} Collector of the
of M^r Smiths Port of Annapolis touching his seizure of a Sloop
Sloop Called the Robert & Ann belonging to M^r Robert
Smith of Chester River; Ordered that the s^d Letter & other
papers relating thereto be Referred to be consulted by M^r Whitehall
Attorney & Sollicit^r Generall, and that the said Sloop be
brought to Tryall & proceeded against pursuant to the direc-
tions of the Law in that case.

October the 4th 1695

The Councill again Sate & were present as Yesterday with
the Addition of the hono^{ble} Coll Charles Hutchins & Coll Whitehall
David Brown

County Clks &^{ca} to ap- Ordered that the County Clerks & Clerks of the
pear & swear Indictm^{ts} come and appear before his Ex^{ncy} in Coun-
to the fines cill this night or to morrow morning to make Oath
&^{ca} to the severall fines passed in the County Courts of Whitehall
this Province pursuant to the Ord^r of Councill in August last,
And that M^r Attorney & Sollicito^r Gen^l prepare an Oath
against that time, proper to be taken by the s^d County Clerks
and Clerks of the Indictments.

Lib. H. D.

October the 5th 1695

The Councill again Sate & were

Present

Whitehall His Excellency Francis Nicholson Esq^r Cap^t Gen^l &^{ca}

p. 223 Coll Henry Jowles } Coll John Addison }
The hono^{ble} Coll Nich^o Greenberry } Coll John Courts }
Coll Charles Hutchins } Thomas Brook Esq^r }
Coll David Brown } James ffrisby Esq^r }

Clk of Cal-
vert Co:
Court
swears to
List of fines
Came John Elzey Clerk of Calvert County Court
& made Oath to a List of fines by him presented to
the Board to be a true Copy from off the Record of
that County Court.

Oath to be
taken by
Clk of the
Indictm^{ts}
presented to
the Board
Whitehall Came Cap^t William Dent his Majesties Sollicito^r
Gen^l and presented to the Board an Oath drawn vp
to be Administred to the Clerks of the Indictm^{ts} pur-
suant to the Ord^r of this Board yesterday passed,
withall saying that as to an Oath to be given the
County Clerks, there is no need of it, by reason they take an
an Oath for the due Execution of their Office vpon their
admission.

The Oath follows, Viz^t

Clerk of the
Indictments
Oath
Whitehall You shall well & truly Execute & perform the
Office of his Majesties Clerk of the Indictm^{ts} for
prosecuto^r of his Majesties pleas in County
Court according to the jurisdiction of the Court You shall
not decrease or lessen his Ma^{ty} Dues, by any fines, fforfeitures
or other legall means accruing, but to the Utmost of your
skill and power do his Ma^{ty} service therein. You shall not be
of Councill or give Councill with any ag^t his Majesty or
whereby his Dues or profits may be lessened or diminished,
but in all things according to the best of your skill & power
well and truly serve his said Majesty in the s^d Office while you
shall continue therein, and to see all Criminalls duly prosecuted
So help you God.

Read a Petition preferred by James Crawford of Calvert
County as follows, Viz^t

James Craw-
fords pet for
Comission
of Delegates
To his Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l of
Maryland in Councill.
The humble Petition of James Crawford Humbly
Sheweth

That whereas your Petition^r is Agrieved with a sentence of the Commissary Generall of this Province in a difference before him depending between your Petitioner the former Adm^r of John Abington deceased and George Lingan the present Adm^r of the said Abington wherein your petition^r conceives to have great wrong & injustice done him did therefore in due time Enter his Appeal from the said sentence, but in regard of your Ex^{ncies} absence could not procure a Commission to a Court of Delegates to Examin the said sentence sooner.

Lib. H. D.
p. 224

He therefore humbly prays your Ex^{ncy} & hono^r to Grant a Commission to such persons as in your discretion you shall think proper, to be when & where you will please to Order

And you Pet^r as in duty bound shall ever pray &c^o

Commission for a Court of Delegates Ordered It being Argued & Represented that a Commission of Review will lye if in case the parties should not rest satisfied with the sentence or Judgm^t of a Court of Delegates; it is therefore thought convenient that ffour of the youngest of his Ma^{ty} hono^{ble} Councill with three of the justices of the provinciall Court be joyned in Commission; And therevpon Ordered that a Commission issue to constitute a Court of Delegates accordingly hereby nominating & appointing the hono^{ble} Coll John Addison, Coll John Courts, Thomas Brook Esq^r James ffrisby Esq^r ffour of his Ma^{ty} hono^{ble} Councill and the hono^{ble} Maj^r John Hamond Cap^t Richard Hill & Cap^t Thomas Tasker, three of the Justices of the provinciall Court to be a Court of Delegates as afores^d who are to meet at the Port of Annapolis Saturday next by two of the Clock in the afternoon, & that Notice be given accordingly, and that Henry Denton be Clerk or Regist^r of the s^d Court.

October the 9th 1695.

His Excellency acquaints the Board, that vpon a petition here p^rferred by James Crauford, praying for a Court of Delegates &c^a The s^d Commission was (pursuant to Ord^r) prepared & brought for his Ex^{ncies} signing & passing the Broad Seal; And whereas the hono^{ble} James ffrisby Esq^r being one of the Commissionⁿ therein appointed, refusing to take the Oaths, vrging that he had taken the Oaths before, therefore desired to be left out of that Commission; His Excellency demands what is to be done therein; Wherevpon the matter being by the Gentlemen of the Councill fully debated & consulted, they make answer that seeing it appears that M^r ffrisby has out of scruple of conscience refused to take the Oaths, having taken them before, they are therefore of Opinion that another of the Councill be put into the said Commission in his

p. 225

Lib. H. D. stead; And therevpon Ordered that the hono^{ble} Coll David Brown be inserted therein accordingly; which accordingly was done and prepared a new & was signed by his Ex^{ty} & passed the Broad Seal of the Province, the Tenor whereof runs as follows, Viz^t

Maryland ss:

Court of
Delegates
Commission William the third by the grace of God King of England, Scotland, France & Ireland Defender of the faith &c^a To Coll David Brown, Coll John Addison, Coll John Courts, Thomas Brook Esq^r Maj^r John Hamond, Cap^t Richard Hill & Cap^t Thomas Tasker Greeting Whereas complaint hath to Us been made by James Crawford of Calvert County Gentl. that he is Agrieved with a sentence of the Commissary Gen^l of our said province in a difference before him depending between the s^d James Crawford former Adm^r of John Abington deceased & George Lingan of the afores^d County the present Administrator of the said Abington, conceiving great wrong & injustice done him by the sentence afores^d did therefore Enter his Appeal from the s^d sentence in due form of Law, as to us hath been set forth & made appear, praying our speciall Commission might issue to constitute such and so many persons, as We should think fit (in the nature of a Court of Delegates) to Examin the said sentence &c^a And We being willing that speedy Justice should be done therein & a suitable relief granted pursuant to the directions of the Law in that case, have therefore assigned, constituted, Ordained & appointed And by these presents We do constitute Ordain & appoint you the said Coll David Brown, Coll John Addison, Coll John Courts, Thomas Brook Esq^r Maj^r John Hamond, Cap^t Richard Hill & Cap^t Thomas Tasker or any five or more of you (whereof you the s^d Coll David Brown or Coll John Addison to be always one) our Commission^{rs} especially to inquire to, Examin, heare & determin the premises, And to that end you are to meet in some convenient house at our port of Annapolis, on the twelfth day of this instant October by two of the Clock in the afternoon, and there to call & cause to come before you as well the said

p. 226 Complainant James Crawford as also George Lingan afores^d named and all other persons therein any wayes concerned, And you are further likewise hereby Empowered as also Required to command a full Transcript of all the Proceedings had & taken in our Commissary Gen^l Office in and about the premises, and his Sentence thereon given to be thither transmitted vnder the hand & Seal of our said Commissary and there laid before you that the Complainant may make such

exceptions to the same as he shall think fit & convenient, and the severall Allegations, testimonies & proofs on both sides being strictly heard and Examined, and the matter duly maturely & deliberately weighed and considered, you are to pass & give your Judgm^t doom & determination therein according to Law & Justice & the best of your skill & vnderstanding, as also to taxe all Cost & Charges thereon accruing hereby Empowering you to Adjourn the said Court from day to day or from time to time vntill the s^d matter by you the said Commission^r shall be fully determined, And to the end a true & fair Record may be kept of your proceedings herein, We have thought fit to nominate & appoint, and We do hereby Nominate & appoint Henry Denton Gentl to be your Clerk or Register to Receive, take & Enter on his Journall the Summe & Substance of what shall be done & acted by you in the execution of the power & Authority hereby given & granted you, a fair Copy whereof attested vnder the hand & Seal of your said Clerk you are to transmitt Unto Vs in our high Court of Chancery with all convenient speed; Given vnder the Great Seal of our said Province the Ninth day of October in the Seaventh year of our Reign &c^a Annoq Domini 1695 Witness our trusty & Well beloved ffrancis Nicholson Esq^r Cap^t Gen^l & Govern^r in Chief in & over our said province & (Territory of Maryland.) ffr. Nicholson

On the back of the above Comission
was thus written, Viz^t

William the third by the Grace of God, of England, Scotland, ffrance & Ireland King Defender of the flaith &c^a to Cap^t Richard Hill & Cap^t Thomas Tasker Gentl Greeting These are to Authorize you or either of you to Administer vnto Coll David Brown & Coll John Addison or either of them the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy as also an Oath of Commission^r, for this purpose to be framed And the s^d Oaths being as afores^d Administred & taken, you the said Coll David Brown & Coll John Addison or either of you are to Administer the s^d aforementioned Oaths to the rest of the Commission^r: within named and to the Clerk for which this shall be your sufficient Warrant: Given vnder the Great Seal of our said Province this Ninth day of October in the Seaventh year of our Reign &c^a Annoq Domini 1695 Witness our trusty & well beloved ffrancis Nicholson Esq^r Cap^t Gen^l & Govern^r in Chief in & over our said Province & Territory of Maryland

ffr. Nicholson

Lib. H. D.

October the 17th 1695.

Lawyers
consulted
touching
Jurisdiction
of a Court
of Delegates

Whitehall

His Excellency having sent for the severall Lawyers in Town to consult them concerning the Jurisdiction of a Court of Delegates whether the said Court have not a parallell Jurisdiction with the Govern^r & Council for hearing Appeals & Writs of Error, Viz^t in the obligation of their either affirming or reversing the sentence of the Commissary Generall, or whether they can affirm one part of the sentence and let alone another, and whether they may make a Judgm^t of their own.

And accordingly appeared M^r Attorney & Sollicitor Gen^l M^r Cheseldyn, M^r Carvile, M^r Carroll, M^r Clarke, and the Case being stated vnto them, and after some debate & consultation of the matter, they desire to consult their Books before they give any positive Opinion therein; therevpon his Ex^{cy} in his Ma^{ty} name did Command & Ord^r that for the service of his Majesty & future good of the Countrey they would Return each of them their Opinion vnder their hand of the true State of the same, what the Law says in that Case.

Lawyers
Opinion
touching
Judges Dis-
sents En-
tring &c^a

Whitehall

p. 228

His Excellency further puts to them if in case any Judge Enters his Dissent to the Judgm^t of the rest of the Judges sitting in Judgm^t with him, whether such Judge dissenting shall not therevpon give or shew some Reason for such his Dissent, & whether the same should be Entred in the Record or not, who are Unanimously of Opinion that any Judge may Enter his Dissent without shewing any Reason, and that such Dissent ought to be Enter'd in the Clerks Minute Book fair writ out, but not in the Record, And therevpon Ordered that the same Rule be observed in all & singular the Courts of Justice within this Province, and that the Clerks of the said Courts be constantly obliged to fair write out every Courts Minutes to be safely kept among the rest of the Record Books, it being adjudged by the Lawyers here that the same will be of very great vse in severall respects.

The Opinions of the severall Attorneys on the foregoing Case are as follows, Viz^t.

To his Ex^{cy} ffancis Nicholson Esq^r Cap^t Gen^l & Govern^r of Maryland &c^a

M^r Dents
Opinion
touching the
Jurisdiction
of a Court
of Delegates

I have not since your Ex^{cy} commanded my Attendance seen the question you were pleased to state last night, but if I mistake not it was, what the power & Authority of a Court of Delegates in this Province is what their Jurisdiction is, and by what

Rules of Law they are to proceed vpon any Appeal from the Lib. H. D.
Commissary Gen^l Sentence.

I have had no Books to consult, but the Statutes of England & the Acts of Assembly of this Province, and have had very small time to consult them, having been the most of this day either in the House of Burgesses or on a Committee, but by what I can at present collect out of them, this is my Opinion upon the Matter.

1: that as to their Power & Authority, it is exprest & limited in the Commission which I conceive they are guided & limited by, because they are not Nominated either by the Statute of 24th of Henry the 8th nor by the Act of Assembly for the Act directs the Appeal to be made to the Govern^r who in this province is Chief Judge in all Causes both of Law & Equity And he Empowers the Delegates; And powers & Authorities are to be strictly observed and that power I take to be their Bounds.

2: As to their Jurisdiction (with respect to their Commission) I vnderstand it to be extended to the Sentence of the Commissary Generall vpon which the Appeal is made and therein they are Judges of the same matters & things that the Commissary was Judge of contained in that Record for the Act saith that the persons so appointed shall hear & determine the matter &c^a therefore I conceive they are the Judges of it and wherein they find the Commissaries Sentence good they may affirm it in theirs and wherein they find [it] naught alter it and adjudge as the matter in Law & equity appears to them.

3: By what Rules of Law they are to proceed I am not so well satisfied as I would be, but by considering what they may not do it may be collected what they may do And it appears beyond dispute with me that they cannot proceed by the Rules of the Common Law first because the Proceedings comes not from a Common Law Court, 2^{dly} because they are to hear & determin the whole matter and it is to be finall which the Court of Common Law cannot do; for a Superiour Court in Common Law cannot hear & determine the whole Cause nor is their Judgm^t finall vnless vnder the limitations of the Act of Assembly but they can only Examin the Judgm^t of the Court whether agreeable to Law or not and to confirm or Reverse it but as to the ffact have nothing to do And I find th^t the Chancellor in a common course of Equity cannot meddle with it but I conceive the Reason to be because of the Statute of the 24th of King Henry which confirms testamentary Causes &c^a to others and prescribes Rules & Methods for Appeals where injury is done But still I perceive those Judges in those matters of which they have cognizance by the said Statute proceed in a course of Equity grounded on the common

Lib. H. D. & Civill Law for with submission to better Judgm^{ts} I take the Cannons to them to be as the Statutes to the Judges of Common Law, and the Civill separte from the Cannon to be to them as the Common Law to the others, And this at present is the Opinion of
 Yo^r Ex^{acies} weak but
 Octob^r 18th 1695. obedient Servant
 Will^m Dent.

Maryland ss.

Mr Carrolls Opinion touching the Jurisdiction of a Court of Delegates. In obedience to your Ex^{acies} Ord^r commanding my Opinion to be delivered to your Ex^{acys} vpon certain Queries put to severall Gentlemen professing the study of the Law in this Province I do humbly Offer as to the first.

p. 230 That Whereas your Excell puts the Question what the Jurisdiction of a Court of Delegates is I humbly Offer th^t the shortness of time given by your Ex^{acys} to answer the question being but one day does not allow me leizure to give your Ex^{acys} such satisfaction therein as perhaps vpon further time, maturer deliberation and more strict Examination then the shortness of the present time will permit I might be able to do, but however my obedience is such that I will rather Rune, the Risque of mistaking in point of Memory in my reading then disobeying your Ex^{acies} Commands, wherefore as to the Question In the first place I make a distinction between a Court of Delegates as the constitution of this Province stands and a Court of Delegates absolutely to be Governed by the Civill Law, Common Law & Statute Law of England, because that some Acts of Assembly of this Province do according to our constitution alter some matters relating to Causes cognizable by a Court of Delegates, as particularly the Act for preservation of Orphans Estates, but in generall I am of Opinion that the Jurisdiction of a Court of Delegates in this Province extends to Examin the justness of any sentence given by the Comissary Generall in any cause belonging to his Jurisdiction, which I look vpon only to be matters testamentary and Letters relating to Adm^{rcons} as passing of Accounts, the justness of the Article thereof the Division of intestates Estates, Right of Adm^{rcon} &c^a But by a Court of Delegates in England not only the afores^d Matters are cognoscible but likewise Matters Matrimoniall, matters relating to Tythes matters of spiritual defamation, beating of Clerks &c^a so that the Jurisdiction of such a Court in this province is in a great measure abridged by our constitution from what it is in England.

2^{dly} As to the 2^d Quere, Viz^t whether there does not lye an Obligacon vpon the Court of Delegates of either affirming or reversing the Commissaries Sentence, as in case of Appeals

to the Govern' & Councill I answer that in my Opinion there Lib. H. D.
is no one parity between an Appeal from the provincially Court
to the Govern' & Councill & from the Commissary Generall
to a Court of Delegates for that the former is most strictly
tyed vp to the Errors arising out of the Record, without con-
sideration at all of the merit of the matter in question, whereas
vpon the latter they are not only Errors in meere point of
Law & arising out of the Record that are to be called in
question, but likewise the merit of the whole matter wherein
& wherevpon the Sentence of the Commissary was given.

3^{dly} As to the third Quere, whether a Court of Delegates
vpon Appeal from the Commissary on a sentence by him given
may affirm one part of the Sentence & disallow of another.
I am of Opinion that where the sentence consists of severall
parts differing one from another in point of substance as for
Example it may be for Revoking of former Letters of Adm^{con}
& of the disallowance of severall Articles of an Account p. 231
exhibited into the Commissaries Office by the former Adm' &
of paying Costs which may perhaps be exorbitant that then
& in such case vpon an Appeal before a Court of Delegates,
the said Court may separte such part of the Sentence as they
think just from such part thereof as they in their Judgm^t &
according to their skill in the Laws think vnjust, and give
their Sentence vpon the whole matter

Which may it please your Ex^{cy}. considering the shortness
of the time & want of books is as much as at present can be
presumed to be Offered by

Yo^r Ex^{acies} most humble
& most obedient Servant

Charles Carroll

Mr Phil
Clarks
Opinion
touching the
Jurisdiction
of a Court of
Delegates.
In obedience to your Ex^{acies} Commands in Councill
concerning the Jurisdiction of a Court of Delegates,
and whether they are not obliged to affirm or
Reverse the Sentence of the Commissary brought
before them or whether they can Reverse one part
& affirm the other or whether they can make a Judgm^t of their
own.

In answer thereto I do humbly conceive that whatsoever
doth not properly lye afore the Commissary doth not lye afore
them for tho a Court of Delegates is a Superiour Court yet
cannot take cognizance of any matter that doth not lye in the
Commissaries Court and that as to their Jurisdiction it is the
same and no difference, only that a Court of Delegates is a
Superiour Court.

That as to the Commissaries Court I do humbly conceive it
to be a mixt Court and that the Commissary is obliged to

129. H. D. observe & give Judgm^t according to the severall Acts of Assembly relating to his Office, he is likewise to follow & observe the Civill Law where there is no Maxim of the Common Law or Statute Law against it: And in any case where
p. 232 the Civill Law or Statutes are silent there he ought to give Judgm^t according to Equity & good conscience provided the same is not against any Law as afores^d and tho the Judge is bound to take Notice of the Law as afores^d in giving his Decree or sentence yet cannot he trye any matter that is properly cognoscible in his Ma^y Courts of Common Law.

That as to a Court of Delegates in Examining a Sentence of the Commissary they either ought to Affirm it or Reverse it, for I do humbly conceive there is a difference when a person brings his prohibition to stop some part of the Commissaries sentence in a matter that doth not properly lye afore him, there a destroying part of a Judgm^t doth not destroy the whole because each Court can go no further than their own Jurisdiction but where a person Appeals from the sentence of a Commissary he Appeals from the whole sentence to a Court of the same Jurisdiction, which ought either to affirm or Reverse the s^d Sentence and can give no other Judgm^t

All which is humbly submitted to yo^r Excell
by Yo^r most humble & obedient
Servant

Philip Clarke.

Mr Goldes-
boroughs
Opinion
touching
the Jurisdic-
tion of a
Court of
Delegates

In obedience to your Excell Commands to know what the Jurisdiction of a Court of Delegates is and whether there does not lye an Obligation on them of either affirming or reversing the Commissaries Sentence &c^a Or whether they can affirm one part of the sentence & let alone another part, and whether they may make a Judgm^t of their own. I Answer That the Jurisdiction of the Court of Delegates is an Ecclesiasticall Jurisdiction, and is of the same nature of the Court of the Bishop or Arch Bishop, that they are a Superiour Court, in as much as they do Examin the sentence which is given in the Ecclesiasticall Court whether it be well given or not.

2: They are obliged either to Affirm or Reverse the sentence given in the Court of the Bishop or Arch Bishop And they cannot divide the Sentence because that they are to Judge vpon the whole, whether good or bad, well given or ill given and to give Judgm^t accordingly.

3: They cannot make any other Judgm^t of their own than whether the first sentence be good or bad, because there is not
p. 233 any new Matter to be laid before them; but the whole matter

& thing that they have to deale withall is the Record of the Lib. H. D.
first Sentence, This I do humbly offer to yo' Ex^{cy}

as my Opinion

R Gouldesborough

I am of the same Opinion

Ro: Carvile

To his Ex^{cy} Francis Nicholson Esq' Cap' Gen^l & Govern'
in Chief of Maryland.

Mr Platers
Opinion
touching the
Jurisdiction
of a Court
of Delegates In obedience to your Ex^{ncies} Commands I have
perused your Excell proposalls relating to the Juris-
diction of the Court of Delegates and in answer
thereto do humbly conceive that the Court of Dele-
gates doe sit by Virtue of a Commission vnder the
great Seal in an Appeal from a Sentence given in any Eccle-
siasticall Court, as also when Sentence is given in the Admir-
alty Court in Suits Civill & Marine by the Ord^r of the Civill
Law, which said Court of Delegates have full power to hear
& Examin into the sentence of the Judge of such Court from
whence such Appeal shall be brought before them and the
same either to confirm or set aside & make Void, and not to
make Void one part & confirm the other for that I humbly con-
ceive that the Sentence of the Judge of the Ecclesiasticall
Court ought not to be destroyed in one part & confirmed in
the other no more than a Jugm^t at Common Law vpon a Writ
of Error, which if in one part allowed Vicious the whole
Judgm^t is destroy'd, all which is humbly submitted to [yo'
Ex^{cy}] by

Yo' Ex^{ncies}

Most obedient servant

George Plater

I am of the same Opinion

S. Watkins

Munday October the 7th 1695

Coll Wells
Excuse for
not appear-
ing to serve
in the provll
Commis-
sion &c

The Councill again Sate & were p'sent as on Sat-
urday. p. 238
Whitehall

Produced & Read a Letter from Coll George
Wells vnto his Ex^{cy} directed, Dated 28th of Septem-
ber last past, therein giving an Acco^t of his great
sickness wherewith he has been & still is afflicted and there-
fore desires the same may be Esteemed excuse sufficient for
not appearing according to the Ord^r of the Councill in August
last. Ordered that the said Letter be laid before the Justices
of the Provinciaall Court for their cognizance.

Whitehall

Lib. H. D.

October the 17th 1695

The Return of the Justices of the Provinciaall Court vpon the aforegoing Letter was produced & Read as follows, Viz' This Court admits of the Excuse of Coll George Wells to be sufficient for not coming to serve as a Commission^r of this Court for the Reasons therein contained.

Hen: Wriothesley Clk

Whitehall Coll George Wells of Baltemore County being Excused (by Reason of his great infirmities of Body from serving in the Provinciaall Commission); M^r Edward Boothby is therefore appointed in his stead; And M^r William Hatton living in Prince Georges County will occasion the want of a Provinciaall Justice in Charles County, M^r John Stone is therefore appointed to be aded to the s^d Provinciaall Commission

Mr Boothby
& Mr Jno
Stone Or-
dered to be
aded to the
prov^{ll}
Commission

Whitehall Tho: Smith
sworn Clk
of Indictm^{ts}
of Bal. Co:
Court Came M^r Thomas Smith Clerk of the Indictm^{ts} of
Baltemore County Court who had administred vnto
him in Councill the Oaths appointed by Act of Par-
liam^t to be taken instead of the Oaths of Allegiance
& Supremacy as also the Oath of Clerk of the Indictm^{ts} before
Recited.

Whitehall Mr Hedge
Clk makes
Oath to List
of fines M^r Thomas Hedge Clerk of the s^d County Court
came & made Oath to the ffines passed in the s^d
Court according to a List thereof presented.

Clk of In-
dictm^{ts} of
Kent Co:
Court sworn Came Mathew Errickson Clerk of the Indictm^{ts} of
Kent County Court, who was sworn as before.

Whitehall Clk of Cæcill
Co: Court
makes Oath
to List of
fines Came Charles Bass Clerk of Cæcill County
Court, who made Oath to a List of ffines passed
in that Court.

p. 239 Jacob Young
& Wm York
appointed to
keepe fferry
& ca at Sus-
quehanna Came & appeared in Councill Jacob Young &
William York living vpon Susquehanna River, and
it being proposed to them in Councill the keeping a
fferry & Ordinary vpon each side the s^d River, Wil-
liam York on this side the River & Jacob Young on
the other side for which is settled vpon them, One shilling six
pence for the passage of a horse & Man and One shilling for
a ffootman, to which they both Agreed; his Ex^{ty} giving them
caution duly to observe the Acts of Assembly touching con-
veying persons over that River; Ordered that the Justices of
the County Courts where they live grant them Lycense
accordingly, they giving Bond as the Law in that Case directs.

Whitehall

Clk of Kent Came Symon Wilmore Clerk of Kent County Lib. H. D.
Co: Court Court, who made Oath to the ffines passed in that Whitehall
makes Oath Court.
to ffines

Clk of A: A: Came Christopher Vernon Clerk of Ann Arrun-
Co: Court dell County Court who made Oath to the ffines Whitehall
makes Oath passed in that Court.
to ffines

Whitehall Tuseday October the 8th 1695.

The Councill again Sate & were present as Yesterday.

Clk of So: Came M^r John West Clerk of Somerset County
Co: Court Court, who made Oath to the ffines passed in that Whitehall
makes Oath Court according to a List of the same this day here
to ffines presented.

Clk of In- Came M^r Peter Dent Clerk of the Indictm^{ts} of the
dictm^{ts} of s^d Court & was sworn accordingly.
So: Co: Court sworn

Whitehall

Vpon Motion made vnto his Excellency by W^m fuller of
Carolina Son & heir of William fuller late of Severn River
within this Province dec^d praying that a certain testimoniall by
him brought & produced vnto his Ex^{ncy} signifying his being
lawfull Son & heir of the afores^d William fuller dec^d might be
Entred vpon Record;

Ordered that the same be Entred accordingly in the Coun-
cill Book & Provinciaall Office, the which follows in these
Words Viz'

Carolina.

M^r William The hono^{ble} Joseph Blake Esq^r Landgrave &
fullers Tes- Govern^r of all that part of the province of Carolina
timoniall that lyes South & West of Cape ffeare
&c^a

To all to whom these p^sents shall or may concern or to
whom the same shall come to be seen or read sendeth Greet-
ing.

Know Yee that on the day of the Date hereof personally p. 240
came & appeared before me Mrs. Elizabeth Cattell Aged
fforty years or thereabouts, being one of the daughters of Cap^t
William fuller of this Province deceased & made Oath that
she does know William fuller the Bearer hereof aged twenty
two years to be the Son & heir of the s^d Cap^t William fuller
who lived on Rich Neck on Severn River in Maryland, In
Testimony whereof I have herevnto Set my hand & caused the

Lib. H. D. publick Seal of the province to be herevnto affixed this tenth
day of July in the Seaventh year of the Reign of our Sovereign
Lord W^m by the Grace of God, of England, Scotland, ffrance
Merjant & Ireland King defender of the ffaith &c^a Annoq Domini
1695 Joseph Blake

Signed & Sealed in the { Seal
p'sence of W^m Porter { of the
Sam^l Gunn { Province }
John Mascrot

Produced & Read a Letter by his Excellency Rec^d from
Cap^t Harry Beverley of the Colony of Virginia, which follows
in these Words; Viz^t

May it please your Excell

Capt Bever- It has pleased his Ex^{ncy} the Govern^r of Virginia
leys Lre to his
Ex^{ncy} touch- to imploy me to Cruise on that Coast for the preven-
ing Capt tion of illegall Traders, and it being my Chance to
Hill &c^a meet with a ship that is now Arrived in Seavern
River, did intend to have Examined here, but she passing Us
and refusing (after two Gvns fired ahead of her) to pay any
obedience to his Ma^{ty} Colours, I ran vp along their side with
our Sloop & Commanded them to strike Sayl, or I would fire
into them; they cursed & said if I offered it they would sinke
me immediately & make me an example to all the Rogues in
the World, appearing with their small Arms & preparing their
great Guns; Wherevpon I fired into them, w^{ch} caused them to
lower their top Gallant Sayls, but would not brace too their
head Sayles to let me come on Board; the next Morning it
being less Wind I went to go on Board with our Boat, but
coming along their side they appeared twenty or thirty of
them with drawn swords, giving me a great many abusive
p. 241 Words & Swore We should not come on Board.

And last thursday, May it please yo^r Ex^{ncy} I Arrived here in
hopes to have acquainted your Ex^{ncy} with what had passed,
but being informed that your Ex^{ncy} would not Return before
the begining of October, I went to Cap^t Hill who told me he
had Enter'd the Ship & would not shew me any papers. I
desired th' there might be a course taken with the Master, he
said he knew not who he was, but his Children were con-
cerned & he would stand vp for them, I went then to Coll
Greenbury's who said he could do nothing in it, I must go to
your Ex^{ncy} and hearing that your Ex^{ncy} would cross the head
of the Bay at Sassafra^s River, I have been there, but cannot
have the oportunity to pay my Duty to your Ex^{ncy} therefore
have presumed to acquaint your Ex^{ncy} with the reason of my
coming here in writing, and desire that your Ex^{ncy} would take

it into consideration that his Ma^{ty} Honour & intrest may be preserved and he shall ever pray who will always be yo^r

Ex^{ncies}

Seavern September the }
4th 1695.

Most dutyfull & most
Obedient Servant
Harry Beverley

Ordered that as well Cap^t Richard Hill sen^r as Cap^t Rich^d Hill jun^r give Answer to the s^d Letter in Writing what they have to say, and that the same be laid before this Board accordingly

October the 9th 1695

Produced & Read pursuant to Ord^r as above the two following Answers to the aforementioned Letter, Viz^t

To his Ex^{cy} ffrancis Nicholson Esq^r Cap^t
Generall & Govern^r in chief of his Ma^{ty} province
of Maryland.

Cap^t Rd
Hill Sen^r
Answer &cs
Having Received your Ex^{ncies} Commands to make
answer to some Reflections made vpon me by Cap^t
Harry Beverley in humble obedience thereto I
Return this.

About the latter end of August last a Gentleman vnkknown to me came to my house, which I humbly conceive was this Cap^t Harry Beverley having with him three Men all whom I treated very civilly, but the Captain in a very great passion told me he had been very highly affronted by the Men belonging to the ship then in the Harbour & commanded me to send my Warrant for the Master of the ship & put him in Irons, I demanded what Offence he had committed, he told me high Treason & Rebellion, I desired to know the Nature of the Offence, he said he would not strike to the Kings Colours till he fired into him, I told him I was not well acquainted with things of that nature but by Vertue of my Office as I was one of his Ma^{ty} Justices of the peace, if he could make appear to me that any person belonging to that ship had done anything in contempt of his Ma^{ty} Authority or by any means acted against his Ma^{ty} intrest I would speedily take a course with him or them, even if it were my own Children; Wherevpon I sent for my two sons and asked the Cap^t if either of them had affronted him, he Answered he could not Charge them directly, I further told him that both the ship and my Sons would be here a considerable time, & would answer what he should at at any time charge them withall; but as to the shot he made at them I would give what was vsuall, with that I presented him with near a quarter of fat beefe which he accepted of, then

Lib. H. D. he demanded the pervsall of my Books of Entry of ships, I told him I was not obliged to any such thing, then he desired pen, Inke & paper & wrote a large Declaration & called his Men to hear it Read and then asked them what they thought of it, one of them swore he thought it would all come to nothing soon after which he very civilly tooke leave & went away: much more discourse passed but this is chiefly what occurs to my memory all which I humbly submit to your Excell & am

Yo^r Ex^{acies} most obedient Serv^t
at all Commands

Richard Hill

May it please your Ex^{cy}

Cap^t Rich- In obedience of whose Commands I humbly answer
ard Hill
jun^r & es
Answer the Letter your Excell received from Harry Beverley wherein I am falsely accused (as I hope will more at large appear) vnto your Ex^{ncy} by what doth here Ensue, which the Major part of our ships company can affirm.

p. 243 first he informs your Ex^{ncy} that I refused to strike, I did not Refuse, but at that time was so farr distance (that though I heard his guns) could not distinguish what Colours he had; as he came neare I discerned & was satisfied he bore his Ma^{ty} Colours; Wherevpon I immediately revered the same (not as Beverly observes because of his third Gun, though shot through our Sayl) but to discharge my Duty. Before it was darke the Sloop came alongst our side, hail'd Us & commanded Us to bring to, which I modestly denyed (without cursing & vsing such language as is related vnto your Ex^{ncy}) because of the danger that then our ship was in, Night coming on with a fresh Southerly Wind, & We then vpon the sholes of Tangier Isles. That our Men appeared with more small Arms than at other times I deny, And as for our great Guns, it is customary for Us to have them always in the like readiness, especiall when chaced: That next Morning when Cap^t Beverly pretended to come on Board I did not resist his coming either with Swords or Swearing; what drawn swords there was, were no more than vsuall for our own safety, not to scare our Countrey men; besides his pretence there is apparently false in it self, for We had neither thirty nor Twenty Men, nor swords; not else but humbly intreating your Ex^{ncies} pardon for the rudeness of my style, withall hoping your Ex^{ncy} will be graciously pleased to take into consideration where the abuse lyes, is the Petition of

Yo^r Excell most dutifull
& ever obedient Servant
Richard Hill Jun^r

October the 9th 1695.

October the 18th 1695

Lib. H. D.

Then came before his Ex^{cy} in Councill the above named Cap^t Richard Hill jun^r pursuant to an Ord^r of this Board of the 9th of Octob^r instant & brought Benjamin Halstead his first Mate, Edward Dorsey second Mate, John Newall Boatswain, Edward Sampson Gunner & three Saylers; Whereupon Cap^t Beverleys Letter together with the said Hills answer thereto being Read, the said Officers & Sailers do say & affirm that the s^d Answer of Richard Hill their Master is truth & nothing but the truth.

Wednesday October the 9th 1695.

The Councill again Sate & were present as Yesterday, p. 244
except the hono^{ble} Coll Henry Jowles.

Vpon Motion of the hono^{ble} Coll John Courts the following Letter was Ordered to be Entred, Viz^t.

Boston 2^d September, 1695.

M^r John Courts, S^r.

Lre from
Jno Hore-
land.

I Received yours of the 14th August & have observed the contents thereof for answer know that Henry Hill Master of the Briganteen ffriendship Arrived safe at New Castle some time in August last as I vnderstand, being chaced into the North of Scotland by a ffrench privateer before that where he was forced to lye three Weeks or upwards, not daring to come out; I have not yet had a Line from himself, neither his Wife nor M^r Bridghom, but have had severall from my Correspondents about him, one from M^r John Hill Merchant in London that he had accepted his Bills from New Castle for 250^l Money for paym^t their Ma^s Duties &c^a after he had Cleared at New Castle he went from thence to Hull & there lay waiting for Convoy to Holland while the latter end of November or begining of December so that it was December before he got to Holland where he lay all Winter froze vp in the Ice. About Eight dayes ago Arrived a ship from London, brings advice that he was at Dover clearing and vnderstand he was come from thence to the Isle of Weight to wait for Convoy which expected to Sayle about three Weeks after they came away so that expect he may be here some time this Month or next and hope he will bring his Certificate with him for Clearing the Bond, he is greatly to blame for not taking care to send it you p way of London & also for not writing to his Owners. I am with M^r Bridghom concerned in a Vessell designed to Potomock River

Lib H. D. or petuxant; the Master of this Vessell see M^r Hill at New Castle & the Tobacco taken out, being M^r Hills Mate then & was taken sick of the small poxe there & left when the Vessell went for Hull; so that he is able to make Oath concerning the truth of what I have writ of vnloding at New
 p. 245 Castle; if this be not satisfactory the hono^{ble} the Commission^r of his Ma^{ty} Customs at London will I hope Certify the truth of the Vessells clearing at New Castle so that you need not in the least feare any thing about your Bond, S^r I thanke you for your kindness to M^r Hill therein and if I can serve you or yours here shall be ready as the needfull offers with tender respects from
 S^r Yo^r ffriend & Servant
 John Borland

The s^d Letter was thus directed }
 Viz' To John Courts Esq^r at }
 Charles County in Maryland }
 These

p Post from Boston.

Whitehall Ck of In- Came M^r Richard Smith Clerk of the Indictm^{ts} of
 dictm^{ts} of Cæcill County Court and was sworn accordingly.
 Cæcill Co: Court sworn

Whitehall Esq^r Tench Motion for Came The hono^{ble} Thomas Tench Esq^r one of his
 dismission Ma^{ty} hono^{ble} Councill of this Province who humbly
 & s^d Ord^r Moved his Ex^{ncy} & the Board that having severall
 thereon Matters depending at Law as Adm^r of Govern^r
 Copley dec^d especially a considerable Sum^e demanded to be
 due from the s^d Estate to his Ma^{ty} as also being concern'd in
 severall other Business of his own does therefore pray leave
 of his Ex^{ncy} & the Board that he may be at present dismissed
 from attending his Ma^{ty} Service vpon Councils vntill he shall
 have disburthen'd himself of those incumbrances; withall
 acquainting his Ex^{ncy} that (God willing) he intends for England
 the next fleet in the Spring of the year through his Ex^{ncies}
 permission, as soon as he had settled his Business, which was
 accordingly Granted him.

October the 15th 1695.

The Council again Sate & were present as before.

Whitehall Maj^r Edwd Dorsey Em- Vpon Representation, Ordered that the hono^{ble}
 powered to Coll Henry Jowles Keeper of the Broad Seal of the
 keepe the province do for the future lodge the Broad Seal
 Broad Seal with Maj^r Edward Dorsey one of the Commissioners
 in the ab- in Chancery, by him to be kept in the absence of
 sence of Coll Jowles and applyed to such instrum^{ts} as the s^d

Coll Jowles by Law ought to do, hereby likewise Empowering the s^d Maj^r Dorsey for to sign all Instruments in the absence of Coll Jowles, proper for the Keeper to sign to. Produced & Read a Proclamation forbidding the Exportation of Corn, being prepared at the Request of the Burgesses of the House of Assembly &c^a & was signed by his Ex^{ncy} & passed the Broad Seal of the province; the said Proclamation follows in these Words, Viz^t

Lib. H. D.

p. 246

Whitehall

By his Ex^{ncy} the Cap^t Generall.

A

Proclamation

Maryland ss. Whereas it hath been Represented vnto me that through the vnseasonableness of the late Summer & this fall will be occasioned small quantities of Corn to be made within the severall Counties of this province; And forasmuch as it is also given out that the generality of the people have already spent their Crops of Wheat, out of meere necessity drove thereto, for want of Indian Corn, become scarce throughout the whole Province by means of the excessive sharpness of the last Winter season, being launcht out in such abundance for the support of the inhabitants stocks of Cattell & hoggs; therefore to prevent the Exportation of any Indian Corn or English grain during this likelyhood of Scarcity, I have (by & with the advice of his Ma^{ty} hono^{ble} Councill, as also at the Speciall instance & request of the Worshipfull the House of Burgesses in Assembly now convened) thought fit for the Reasons afores^d to publish & proclame, and I do hereby accordingly strictly Order & Command that no person whatsoever inhabitant or otherwise within this province do (after the publication hereof) presume to Carry or load on Board any Ship, Sloop, Shallop, boat, Canoe, or other bottom, any Indian Corn, Wheat or English grain, with intent to Export the same, and that no Master or Owner of any such Ship, Sloop, Shallop, boat, Canoe or other bottom Receive or take on Board their s^d Vessells, any Indian Corn, Wheat or English grain as afords^d with any intent other than to transport the same from one place to another for the Supply of the inhabitants within this province & for their necessary support in their Voyage, vnder pain & perill of the parties (therein found offending) being prosecuted according to the vtmost severity of the Law for contempt; And to the end due notice hereof may be given I do further strictly charge & Command the severall Sherriffs of the Province to make Proclamation hereof in the most publick & convenient places within their respective Counties, to which all persons are

Whitehall

p. 247

Lib. H. D. hereby Required to yield all due & ready obedience, vnder the pain & penalties aforementioned; Given at the Port of Annapolis, vnder the Broad Seal of the Province this 15th day of October, in the 7th year of his Ma^{ty} Reign &c^a Annoq Domini, 1695
ffr. Nicholson

October the 18th 1695

The Councill again Sate & were p^resent as before.

Mr Layfield Came George Layfield Esq^r his Ma^{ty} Collector of
Collect^r of Pocomoke District who made Oath to his Collection
makes Oath of the 1^d p pound within the s^d District.
to his Col- Whitehall
lection of
the 1^d p lb
Produced & Read a proclamation touching per-
sons inticed out of the Province &c^a being prepared at the
request of the Gentlemen of the House of Burgesses &c^a and
was signed by his Ex^{ncy} & passed the Broad Seal of the Prov-
ince, the tenour whereof follows in these Words, Viz^t

By his Ex^{ncy} the Cap^t Generall

A

Maryland ss.

Proclamation

Proclamation touching per-
sons inticed out of the
province
Whereas by general complaint it hath been signi-
fyed, as also evidently made appear vnto me how
that severall persons inhabitants of this province
have been induced to remove out of the same with
their Wives & families, some to the Southward and some to
the Northward; Viz^t Carolina & Pensilvania, being meerly
deceived & led into such fancy through a common empty
rumour & report of the great plenty those two places live in,
which Reports are raised by persons travelling from those
parts, but the Effects of such fallacious Reports, it is well
known, diverse persons have by sad experience Tryed, some
returning again from the same in a poor condition, and others
willing to return if they could, but are not able, having sold
their Estates here, and by their removall spent or lost most of
all their substance, whereby they have incapacitated themselves
to make any Return; And forasmuch as it hath been made
manifest how that severall other persons have been perswaded
& terrified out of this Province through a vain & giddy
headed notion & noise of great & heavy Taxes of a hogshead
or more a head, whereas the same appears to be a frivolous
idle complaint, not but that the Leavies are something large
through Arrears ever since the Revolution, but hope in God
will be now satisfyed this year, so that the Leavies will become
as easy & light as formerly; however the foregoing Matters

tending to the great disturbance of the peace & quiet of his Ma^{ty} good people here, I have (for prevention of the same as near as may be for the future) thought fit (by & with the advice of his Ma^{ty} hono^{ble} Councill & at the Speciall instance & request of the Worshipfull the house of Burgesses in Assembly now sitting) to publish & declare, And I do hereby accordingly publish, proclame & declare that any person or persons hereafter coming from those parts of Carolina or Pensilvania aforementioned, and are or shall be discovered to intice away or Encourage his Ma^{ty} Liege people & inhabitants of this province to remove hence by or through means of the Specious large Character by them given of those parts from whence they come, such persons shall be lyable (vpon complaint of the same made & proved before a Justice of the peace) to be committed to prison & answer the Law as a Common disturber of the peace or divulger of false News &c^a And any person or persons bringing an evill Report vpon the Countrey by maliciously & falsely spreading abroad a noise of great Taxes &c^a shall in like manner vpon due proof of the same made as afores^d be lyable to be committed & prosecuted as afores^d And I do hereby further publish & declare that this proclamation is not any wayes intended to debarr or hinder any person or persons whatsoever from removing out of the Province themselves or families to any Port or place they shall best like or fancy; it is notwithstanding hereby advized that all such persons do well consider what they are going about least they come to be sorry for their change when it may prove too late; And to the end all persons may have due notice hereof, I do hereby strictly Charge & Command the severall Sherriffs of the province to make proclamation hereof in all publick places & Meetings within their respective Counties, to which all persons are to yield due & ready obedience as they & every of them will answer the contrary at their perill; Given at the Port of Annapolis vnder the Broad Seal of the province this 18th day of October in the 7th year of his Ma^{ty} Reign &c^a Annoq Domini 1695

ffr. Nicholson

October the 19th 1695

The Councill again Sate & were all present except
Coll Addison

Clk of Cha: Came Cleybourn Lomax Clerk of Charles
Co: Court makes Oath to List of fines &c^a County Court & made Oath to the ffines passed in
that County Court to this day.

Lth. H. D. Whitehall

Vestry's Or-
dered to
Return
Copies of
their pro-
ceedings

Ordered that the Vestry's of the severall parishes within this province who have hitherto neglected to make Return of their proceedings vnto this Board and to observe & punctually comply with the severall matters & things contained in the severall Orders

Whitehall issued touching or concerning the s^d Vestry's, that such Vestry's immediately cause a transcript of all their Proceedings forthwith to be fair writ out & sealed vp & the same so written & sealed to deliver to the Sheriff of the County where they live & inhabite, hereby obliging the Sheriffs to get the same (vpon delivery thereof) transmitted to the Clerk of the Councils Office at the Port of Annapolis by the first safe conveyance or by the last Tuseday of feeb^r next, at farthest, vnder pain of the parties (therein any wayes failing) being proceeded against for contempt; And the Sheriffs of the province are hereby further obliged to serve this Ord^r vpon all & singular the Vestrymen of the severall parishes within their respective Counties to the end want of noice may not be pleaded.

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Clerk of In-
dictm^t not
sworn Or-
der'd to be
summoned

Ordered that the Sheriff of St Maries, Ann Arrundell, Calvert, Charles, Talbot & Dorchest' Counties Summon the Clerk of the Indictm^t of the said severall County Courts; as also that the Sheriff of St Maries, Dorchest' & Talbot Counties Summon the Clerks of the s^d Courts that they & every of them be & appear before his Ex^{ty} in Councill on the last tuseday in feeb^r next; the Clerks of the Indictments in Order to be sworn, and the Clerks of the County Courts in Order to make Oath to the severall fines passed in their s^d Courts, and that they bring Lists of the same with them.

Whitehall

County Jus-
tices Or-
dered to
Return an
Accot of
business
being per-
fected &c

Ordered that the Commissioners of the severall County Courts within this Province return an Acco^t vnder the hand of their Clerk, whether the Business in their severall Courts depending has been fully compleated, pursuant to former Order of this Board, hereby obliging the severall Sheriffs to publish this Ord^r in open Court.

Whitehall

Colonels of
the front-
iers Ordered
to have the
Militia, al-
wayes in a
Readiness

Ordered that the severall Colonels of the Counties living nearest to the frontiers of this province; Viz^t the hono^{ble} Coll Henry Jowles, Coll Nicholas Greenberry, Coll John Addison, Coll Casparus Herman & Coll John Thomas have alwayes in a readiness (vpon occasion) the Militia train Bands of the respective Troops and Companies vnder their Command.

Whitehall

Taken into consideration the giving an Answer to his Ex^{cy} Lib. H. D.
the Govern^r of New Yorks last Letter hither sent, bearing
Date the 30th of August past, as also to another by his Ex^{cy} Whitehall
Rec^d from the honor^{ble} his Ma^{ty} Council of that Province,
Dated 9th of September after, which said Letters together
with certain Indian propositions inclosed were afore read in
Council & laid before the House of Burgesses for their con-
sideration & Run in these following Words, Viz'

Govern^r of
New York's
L^{re} for
Assistance
&c^a

New York, August the 30th 1695

S^r Yo^r Excell Letter by M^r Tasker came hither the
27th instant which I yesterday laid before the Council,
who were of Opinion (the necessities of the Governm^t being so p. 251
great) that the Bills by him offered should be Received, tho
the assistance they give holds no proportion with that
Required by her late Ma^{ty} Royall Letter nor the present Whitehall
necessities of this province.

It does not seem reasonable that 1198 Men should be
appointed by the Crown for the Colonies & provinces vpon the
Main for the defence & assistance of this Province (which in
truth is the safety of all the rest) without Arms, Ammunition,
Officers pay & other incidents, the want of those would render
them useless, the Charge for one year amounts to £30000 a
sume not to be supplied here, the burthen of it would make
the inhabitants quit their dwellings (which too many here
have already done by reason of the charge of the Warr which
has lain so heavy vpon this province some years past) the
ffrench are very diligent, and both by force & fraud Endeavour
to divert & debauch the ffive Nations of Indians from their
fidelity to the English; the keeping them firm does not cost
this province less yearly than £2000 and in this New York
has the least concern, being settled in Towns and so more
capable of defence.

By my last advice the ffrench are resettling Cadaracqui
which had I force sufficient might easily be prevented; how
prejudiciall to his Ma^{ty} intrest and dangerous to his Subjects
in those parts the ffrench advances on the back of these Colonies
will prove every rationall man acquainted with their scituation
must be extreme sensible of

His Majesty has been pleased to Entrust me with the direc-
tions of the Quota's of Men or other assistance appointed; and
as to Maryland so to the other Colonies, I have applyed for
their full Quota's at different times, and shall take care the
assistance come proportionably and do again apply my self to
your Ex^{cy} for your Quota, I am S^r Yo^r Excell humble Serv^t

Govern^r Nicholson }
Maryland }

Ben: ffletcher

Lib. H. D.

New York the 9th of Septemb^r 1695.

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Councill of
New Yorks
Letter to
his Excell.

S^r

His Excellency our Govern^r having Received the inclosed Propositions set out for Albany on the seaventh instant & left directions to transmit a Copy thereof to your Ex^{ncy}

Whitehall

Our Indians Call aloud for assistance and are Zealous to have the french removed from Cadaracqui, some small parties of french have been met on this side the Lake and blows interchanged with small loss on either side, We are,

Yo^r Ex^{ncies} humble Servants

N Bayard

Chid Brook

Caleb Heathcote W. Nicoll

ffrederick Philip

Maryland.

Propositions made by Tenn of the principall Sachims of the Mahages Country in the Court house of Albany the 28th day of August, 1695.

Present

Jn^o Abeel Mayor

Maj^r Weessells

Evert Bancker

Jacob Staats

Jan Janse Bleker

Albert Ryckenau

Brother Caijenquiragoe

Mahage

Indians

Propositions

We are come to acquaint your Ex^{ncy} with the Message directed to Us from the Upper Nations how things go there, We have sent you some of our young Indians before to have a Post ready that our propositions might be sent to your Excellency with all speed.

Brother Caijenquiragoe

The Govern^r of Canida hath alwayes desired to speake of peace with the ffive Nations and that he would come so farr as to Cadaracqui, but now We see it is a false design, for now We bring a token from the ffive Nations whereby We acquaint your Excell that it is certain that the Govern^r of Canida hath kindled his fire at Cadaracqui again and is busy to Repair the Walls; Now I speak from Dekanitsore Captain of the Onondages who desires the thirty Soldiers that were promised to him formerly to lye in Garrison at Onondage, do give a belt of Wampum, 16 deep.

Brother Caijenquiragoe.

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Our Covenant is so that We have continually concluded to assist one another vpon all occasions as We have shown this

Summer. It is your Excell directions that We should always Lib. H. D.
have our Eyes open vpon Cadaracqui that no body should
make any settlem^t there again, now the Govern^r of Canida
hath made his fire and is reparing the Walls there; Now
Brother Caijenquiragoe, Give notice to New England & all
the Brethren that are in Covenant with Us, and come vp with
ffive hundred men & Cannon, and let Us go hand in hand to
see what the Enemy do at Cadaracqui, and We will make our
Canoes ready to assist you in carrying vp your Artillary over
the carrying place, There is a party of thirty Onondages to
spy & watch the motion of the Enemy the ffrench. do give a
belt of Wampum 15 deep, one halfe for this Governm^t & the
other halfe for the Governm^t of New England whereby they
desire his Ex^{cy} to give notice to the Gent. in New England
that the Onnogungoes are gone vp with the ffrench to Cadar-
acqui, and now there is a very good opportunity to do mischief
in their parts by their Indians.

Brother Caijenquiragoe

The Message is come to our hands by the Upper Nations,
We do now acquaint your Excell Caijenquiragoe therewith,
desiring your Excell to see it forward & acquaint all the rest
of our Brethren in our Covenant to put their hands to it as the
Oneydes already have sent their Messingers to the Indians of
the Southern parts called Rendoges & others that they must
come to their assistance, do give a ffaddom Wampum.

Brother Caijenquiragoe

The Letter with the belt of Wampum that was brought vp
this Spring by Sadehanatre & Dekanitsore was shown to all
the ffive Nations, and was well accepted, give a ffaddom
Wampum.

We asked further if there had been any party of the vpper
Nations out, down the River Cadaracqui, they answered there
had been 150 in company bound for Canida but met with a
company of Wagenhaes, took tenn prisoners, the rest escaped p. 254
our Indians came back & burnt Nine of the prisoners.

A true Copy

David Jamison C of Concil.

The Answers to the two foregoing Letters follow in these
Words, Viz^t,

Answer to
his Ex^{cy}
the Govern^r
of New
York's
Letter.

Port of Annapolis Octob^r 19th 1695

Mr Tasker brought me your Ex^{celen} Letter of
August the 30th and as soon as his Ma^{ty} hono^{ble}
Councill were met, I communicated it to them, and
it was Ordered to be laid before the house of Burgesses, And

Lib. H. D. We severall times prest it to the house, the Result whereof
 I have here inclosed sent, and according to the request of the
 Whitehall House have sent your Excell the Bills for 133^{lbs}: 8^s: 7^d: strl
 together with two Letters of advice about the same Bills to
 my Merchant to pay them. Your Excell has not been pleased
 to Answer that part of my Letter of the 17th of August past
 touching invading or being invaded, so that not knowing the
 certainty is one Reason that has occasioned the Assembly to
 Raise more Rangers for the security of our ffrontiers & to
 put the Militia in a more ready posture. As to what your
 Excell writes concerning Arms, Amunition, Officers pay &
 other incidents, I can say no more than what I have already.
 And I am very sorry that the Charge of the Warr has been
 so heavy vpon the province of New York; but I find that
 neither his Ma^{ty} hono^{ble} Council nor the Burgesses of the
 House of Assembly are of Opinion that the province of New
 York is the safety of this.

As the ffrrench are very diligent both by force & fraud in
 endeavouring to debauch the ffrive Nations of Indians (vnder
 your Excell Comand) from their fidelity to the English, and
 also of their design of Endeavouring to resettle Cadaracqui,
 so it is not in the least to be doubted but that by your Ex^{acies}
 Conduct & Courage they will be prevented of their designs
 so farr as it is possible; but as for sending your Ex^{ncy} men
 from this Province, the inclosed Resolves of the House will
 inform your Ex^{ncy} so hoping to heare some more good News
 from England of his Ma^{ty} further good success in his Con-
 p. 255 quests both by Land & Sea, which if it comes to your
 Excellency, I shall take it as a great honour to have an
 Account of it, when I vnderstand your Excell has it not, the
 same shall be sent you by Yo^r Excell humble Servant
 ffr: Nicholson

The Resolves of the House of Burgesses which were in the
 Whitehall above Letter inclosed, Viz^t.

At a Council in Assembly held at the Port of Annapolis
 the 2^d day of October, 1695.

Present

His Excellency ffrancis Nicholson Esq^r Cap^t Gen^l &c^a

Produced & Read a Letter from his Ex^{ncy} Coll
 Benjamin fletcher Govern^r of New York vnto his
 Ex^{ncy} ffrancis Nicholson Esq^r Govern^r of this Prov-
 ince directed, bearing Date the 30th day of August
 last past; Ordered that the same be laid before the
 House of Delegates & Burgesses for their consider-
 ation.

Whitehall

Proceedings
 of the Coun-
 cill & House
 of Burgesses
 wch were
 sent inclos-
 ed in a Let-
 ter to the
 Govern^r of
 New York.

At a Council &c^a October the 7th 1695.

Lib. H. D.

New York Business again recommended to the House, and that they give some answer to the papers touching the same now lying before them (to wit) his Excell the Govern^r of New Yorks Letter &c^a and withall proposed that the House would make vp at least so much money in proportion as Virginia hath given towards the defence of that Governm^t

By the House of Burgesses, Octob^r the 7th 1695

Whitehall

Cap^t Tasker one of the Members of the House p^rsents his Excell Coll Benjamin ffletcher his Ma^{ty} Govern^r of New York's Letter sent from his Excell & his Ma^{ty} hono^{ble} Council for the pervsall of this House which was read & Referred for further consideration vntill to Morrow Morning.

By the House of Burgesses, October 8th 1695.

Whitehall

Vpon his Ex^{acies} recommendation to the House that they would consider of some means to comply with her late Ma^{ty} Commands in relation to the affording assistance to New York; therevpon Resolved that his Majesty be further addressed, thereby remonstrating how vncapable We are of affording such assistance. p. 256

By his Excellency the Govern^r &c^a Octob^r 10th 1695

Whitehall

Laid before the House a Letter of the hono^{ble} the Council of New York vnto his Excell sent & directed, Dated 9th of September last past, together with certain propositions of the ffive Nations of Indians in the s^d Letter inclosed for the pervsall & consideration of the House.

By his Excellency the Govern^r & Council in Assembly.
October the 14th 1695.

Whitehall

Vpon reading over severall Resolves of the House of Delegates & Burgesses in answer to severall Proposals made to them from this Board, it is observed that they have given no answer to that part of a former proposall sent them relating to New York Affair, touching the making vp at least so much Money in proportion as Virginia hath given; therefore do propose that the Act for the additionall Duty of 3^d p hogs-head be continued for that purpose; His Excell being willing to advance Money vpon credit thereof, if wanting.

Lib. H. D.
WhitehallBy the House of Burgesses, Octob^r 17th 1695.

The House taking into their serious consideration the severall Proposals & Recommendations from his Excell^{ty} the Govern^r & his Ma^{ty} hono^{ble} Council relating to New York, do debate & Resolve thereon as followeth, Viz^t That Whereas vpon Receipt of her late Ma^{ty} Royall Commands altho this province was not worth the Money required either in banke or had any prospect of advancing the same; Yet rather than We would be any ways short therein, We attempted a thing of the greatest hazard by laying an Imposition of three pence p hogshead after the greatest part of the ships were loaden which was so much more than our neighbouring Colony of Virginia imposed by which means the Merchants trading here are disgusted & induced to leave this province & trade in Virginia & other neighbouring Colonies & carry their Goods thither, by which means Trade will of necessity decay & faile
 p. 257 here & thrive there, and that of course will induce all Men that are not fast Engaged here to leave this place & go there & thereby the province be depopulated & lye open to the heathen or to any other Enemy that think it worth their taking. After which put to the question in the House, if the Act for the Additionall Duty of 3^d p hogshead on Tobacco exported shall be any further continued than this present year, and Resolved Unanimously that the same be no longer continued than till the Expiration of the s^d Act.

It is further considered by the House that this province is so scituated that the ffrontiers of it are the Road way by w^{ch} fforraign Indians pass from the Norward to Virginia & other southern plantations; And We have severall Nations of Indians among Us which have dayly correspondence with fforraign Indians whose motions we are forced to observe so that we are obliged to maintain severall parties of men in constant pay, as well for the discovery of the fforraign Indians passing as others, by which means this province is at great charge, but have thereby discovered, from whence those fforraign Indians come, where they inhabite & their distance from Us, and are sadly made acquainted that they are nearer to this province by at least three days March than they are to New York, And We have just reason to believe when they come to know our Weakness and that We have no ffortifications or places of strength, nay as yet scarce Arms for our small train bands they will be much rather induced to Attack Us than New York.

As to making vp the Quota of Money proposed, it is considered by the House that the greatest part of our substance consists of Cattell, hogs & Tobacco, And since it hath pleased God this last year by a hard Winter to cause such a mortality

of Cattell & hogs, it is modestly computed, the better half of what was in the province are dead; And this year by the vn-seasonnableness of the summer we have scarce made half Crops of Tobacco & little better of Corn, by which means this province is mightily impoverished; As for the raising of Men, the very noise & alarm thereof has already had such fatall consequence in affrighting the labouring ffreemen of this Province that by sad Experience Wee find our selves this present year decreased above 400 & odd Taxables to the great lessening of his Ma^{ty} Revenue & damage of this Province, And if the Men should be actually Raised, it would occasion the greatest part of the ffreemen within this province to desert it & leave the Countrey altogether vndefended & an open pray to the Enemy who are much nearer to Us than New York; And altho such Men were raised, this Province is not in any capacity of paying or equipping them forth with Arms &c^a for that the publick Revenue thereof is very small, and his Lordship the Lord Baltemore hath above halfe thereof so that of necessity the forces so raised must be paid by an equall assessm^t vpon the Taxables of this province and the same will amount to the third part of their Estates; As for Arms & Ammunition, We are altogether destitute thereof, not having sufficient for our small train bands, nor can We procure any vntill such time as those shall Arrive, which his Ex^{cy} our present Govern^r hath sent for from England Nevertheless it is Unanimously Resolved by this House that if his Ex^{cy} will be pleased to advance so much Money for the assistance of New York, as with what We have already transmitted thither, will make vp our Quota proportionable to our Neighbouring Colony of Virginia, being 133^{lbs} 08^s 07^d the House do hereby Resolve he shall be gratefully refunded the same out of the first money accruing to this Province, out of the publick Revenue thereof.

W Bladen Clk Assembly

The Gentlemen of the Councils Letter to the hono^{ble} his Ma^{ty} Council of New York, is as follows, Viz^t

Port of Annapolis, Octob^r 19th 1695.

The Gentle-
men of the
Councils

Letter to the
Council of
New York
Governmt

Gentlemen
There was laid before Us by our Govern^r a Letter of yours of the 9th of September past, the which was sent down to the House of Burgesses: His Excellency our Govern^r has prest Us for assistance to New York, And We have caused the same to be put home severall times to the House of Burgesses & Delegates, but his Excell having been pleased to communicate to Us a Letter of his

p. 258

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Lib. H. D. which he was sending to his Excellency your Govern' bearing the same Date with this, We therefore have no more to say but refer you to the same & rest

Gentl

Yo^r humble Servants

Signed by the severall Gentlemen
of the Council that day present

Hen: Den-
tons Pet &
Ord^r for
prov^{ll} Amer-
ciam^{ts} &ca

Vpon the Petition of Henry Denton (Clerk of his Ma^{ty} hono^{ble} Council) being here presented & Read, therein setting forth some extraordinary Charge & trouble he had been at in preparing severall Copyes of the Journalls of the Council and other matters for which he had received no allowance; therefore humbly prayed that the Provinciall Amerciam^{ts} due since November Court last to this time (being in the guift of his Ex^{ncy} & Council) might be bestowed vpon him, which was accordingly granted him and Ordered that Lists of the same with Executions thereto be given him for the better collection thereof

Maryland ss.

Arnaut L.a-
hannes pass
from his
Ex^{ncy}

francis Nicholson Esq Cap^t Gen^l & Govern' in Chief in & over his Ma^{ty} Province & Territory of Maryland & Vice Admirall of the same.

To all to whom this p'sent Writing shall come
Greeting.

p. 260 These are to Certify that Arnaut Lahanne, the Bearer hereof a french Man & Doctor or Chirurgion of the Pink John of Bordeaux in the Kingdom of ffrance Peter Rivier Commander was taken & brought a prisoner into this province in the s^d ship by Cap^t John Hurle Commander of the ship Providence of London, being a Letter of Marque Man And after some short time of Residence here he shipped himself on Board a certain Vessell called the Hope of Maryland (whereof Richard Hill is Master or Commander) for Guinea; from whence having returned again into this Province in the s^d vessell, he has now shipped himself on Board a certain Briganteen called the ffisher of Maryland, whereof Thomas ffrancis is Master, being bound from hence to Barbadoes, with design (as he informs me) to get to Martinico in Ord^r to procure his passage for ffrance, for which he is to apply himself to his Ex^{ncy} the Govern^r of Barbadoes so soon as he shall arrive there; Given vnder my hand & Seal this 11th day of October, in the Seaventh year of his Ma^{ty} Reign, Annoq Domini, 1695.

ffr. Nicholson

Brief Instructions to the severall Sherriffs of the Province, Lib. H. D.
what sort of Returns to make vpon Proclamations & Ord^{rs} of
Councill &c^a issued.

Instructions
to the Sherr-
iffs &c^a 1: If any Proclamation is sent you, you are to
signify in short that you have published or caused to
be published (in such & such places within your
County) such a proclamation touching such a thing bearing
such a Date which s^d proclamation you shall (after publication)
either keepe or rather deliver the same vnto the Clerk of the
County Court for to Enter vpon Record, by reason all persons
may have Resort thereto vpon occasion.

2: If any Ord^r of Councill comes to you commanding you to
do any Matter whatsoever, make Return in a piece of paper
that by Vertue of an Ord^r of Councill, of such a Date, touching
such a thing you have done so & so, pursuant to the subject
matter the same treats off or Commands; let it be what it will;
and in all these cases you are not required to Return the Ord^{rs}
themselves back again for they are all Enter'd in the Office
here, and may be of speciall vse to be kept by you for satis-
faction of persons therein any wayes concern'd.

3: You are Required to make a distinct Return to every
Ord^r of Councill & Proclamation in a seperate piece of paper
by it self; to the end the Returns of the severall Sherriffs
touching every individuall Ord^r may be filed apart & so easily
distinguished, what Sherriffs have made due Returns and who p. 261
have not.

4: Let some Answer & Return be made to every Proclama-
tion, Ord^r of Councill or other Matter sent you from that
Board, whether the same be commanded or not, which will be
a Vindication to you that such an order &c^a has been served
or executed by you, if in case any person should happen to
be prosecuted for contempt of the Same &c^a

5^{thly} You are Required (when you surrender vp your Sher-
riffs place to a succeeding Sherriff) for to deliver vp these
Instructions among other Writings which by Indenture you
are obliged by Law to do.

Feb^{ry} 26th 1696

The information of Tho: Whitton of Cæcill County (touch-
ing Cornelius Comegys & Amos Nichols) taken before his
Ex^{ncy} the Govern^r who then was pleased to Ord^r as it is hereby
Ordered that the s^d Whitton Enter into Recognizance to
prosecute &c^a vpon the s^d information, and th^t M^r Attorney
Gen^l make proceedings therein accordingly.

Signed p Ord^r
H Denton C of Concil

Lib. H. D.

Admiralty Office 24th October 1695.

P. 4

Mr Bridg-
mans Lre
from the
Admiralty
Office to
his Excy

Sr

The Lords Commissionⁿ of the Admiralty having thought fitt to Empower you to appoint a Judge, Register, and Marshall of the Vice Admiralty of that province, I send you inclosed an Authority for the Same accordingly, and am

S^r Your most humble Servant

Colonel Nicholson Govern^r
of Maryland

W^m Bridgeman

Com^{rs} of the Sr
Customs Lre
abt two
Ships called
the James &
Elizabeth

Having Notice from our Agent in Scotland that there lately Sailed from thence the two Ships under mention'd loaden with the Goods of th^e Countrey bound directly for Maryland We desire you will please to Cause Strict inquiry to be made after the s^d Ships And to Ord^r an Effectuall prosecution to be made both of them and their respective Loadings as Tradeing Contrary to the Laws of this Kingdom

We are,

S^r Yo^r very humble Servants

Robt. Southwell. C. Godolphin

P. Ward Rob^t Clayton

Custom House Lond^o
26 October 1695.

James, Hugh Cambel M^r
Square Sterne 170 tons
Elizabeth, Rob^t Sincleare M^r
130 Tons C G:
Govern^r of Maryland.

Com^{rs} of the Sr
Customs Lre
abt the Ship
Providence.

Having Notice from our Agent in Scotland That an English built Pink burthen 110 Ton called the providence Jn^o Price Master is making Ready for a Voyage to the Plantations intending first for Boston from thence to Maryland and So back to Scotland We desire you to Cause Dilligent Search and inquiry to be made after the s^d Pink in Ord^r to an Effectuall Prosecution both of her and the Loading, Whereof we Shall expect an Acco^t from you in Due time

We are,

S^r Yo^r very humble Servants

Walter Yonge Rob^t Southwell

Govern^r of Maryland.

Ja: Chadwicke C. Godolphin

P. 5

Com^{rs} of the Sr
Customs Lre
abt the Ship
James &
John of
Maryland

Having Notice from our Agent in Scotland that there lately Sailed from thence a Vessell of 120 Tons Square Sterne called the James & John of Maryland

James Sincleare Jun^r Master bound directly thither We Lib. H. D.
 desire you will please to make inquiry after the s^d Vessell
 and if She Shall import any European Goods contrary to Law
 or shall be unduly Navigated That you Cause Seizure and
 prosecution to be made both of the s^d Vessell & loading in
 noe Case permitting her to Load any of Enumerated Com-
 modities with you before the Master hath given Bond with a
 Responsible Security to to Carry the Same to England
 Wales or Berwick there to Land and put the Same on Shore
 (the Danger of the Seas only Excepted) in pursuance of the
 Act of Navigation. We remaine,

Custom House Lond^o S^r Yo^r very humble Servants
 10 October 1695 Walter Yonge } Rob^t Southwell
 Ja: Chadwicke } C Godolphin

Govern^r Maryland.

Com^{rs} of the S^r
 Customs Lre
 abt allow-
 ance to be
 given for the
 Collection
 of the penny
 p^r pound
 for letting
 fall the
 Comp^t and
 Survey^rs
 place.

p. 6

It was heretofore proposed by the Rector and
 Govern^r of the Colledge of William and Mary in
 Virg^a That instead of Three ffourth parts Allowed
 to Our Officers both there and in Maryland for Col-
 lecting the Duty of a Penny p pound on Tobacco in
 their Respective Districts Twenty p Cent only might
 be allowed as Sufficient for them there being other-
 wise An Encouragem^t for their diligence in putting
 in Execution the Acts of Trade and Navigation by the third
 part of the forfeitures therein provided for them, And the Col-
 lectors in Virg^a being Content with this allowance of Twenty
 p Cent. We desire you will please to make the like Agreem^t
 and Settlement with our Collectors in Maryland for the Good
 and bennifitt of the s^d Colledge And whereas the Office of
 Comp^t and Surveyo^r of the penny p per pound in Maryland is
 thought needless Since the Governo^r of the Colledge are will-
 ing of themselves to Audit the Acco^{ts} of the Said Collecto^r
 We Agree That the Same be let fall like as hath been done in
 Virg^a and the proffits of the Office Saved to the Colledge
 desireing you to Signifye the Same to the p^rsent Comp^t &
 Survey^r with the Offer of the next Sutable Collecto^r place that
 shall become Voy'd in Maryland.

Upon Consideration of the Reasons Offered to Us against
 Sending this Duty for England We thought it needless That
 Such part thereof as Should be Actually paid down in Money
 should be remitted hither And did therefore Agree That it
 should be kept in Virginia and Applyed to the Uses of the
 Colledge We likewise Agree, That the Same Method be
 Observed in Maryland & if there Can be Good assureance
 had that the Tobacco taken in lieu of this Duty of one penny

Lib. H. D. p pound for want of Money to Answer and pay the Same Shall be really Shipt for England by the persons to whom it Shall be Sold, We shall Consent to the Selling thereof in the Countrey to the best Advantage rather then run the hazard of the Sea in the Importation of it hither And Sending back the produce thereof for the Colledges Acco^t in all which we shall not Doubt of your Ready Concurrence and Assistance within your Governm^t being for so good & pious Work and Answerable to his Ma^{ty} Royall ffavour & County in bestowing this

p. 7 Duty for the good of the s^d Colledge We are

S^r Yo^r very humble Servants

Custom House Lond ^o	{ Rob ^t Clayton	{ Rob ^t Southwell }
19 Decemb ^r 1695	{ Sam: Clarke	{ P: Ward }
	{ Walter Yonge	

Govern^r Maryland.

William R

p. 1 His Mats
Lres to his
Exncy abt
assistance
for New
York

Trusty and Welbeloved we Greet You well;
Whereas by Letters under our Royall Signett bearing date the 21th of Aug^t in the Sixth year of our Reign; Our will and pleasure was Signified to You that a Quota or Part of our Militia of our Province of Maryland under Yo^r Governm^t not Exceeding one hundred and Sixty men Should be the measure of the assistance to be given by our s^d Province for the Defence and Security of our Province of New York, which you were thereby Charged and Required at all times upon the application of our Govern^r or Commander in Cheif of our s^d Province of New York to provide and send to be under his Command and Direction for the Defence of our s^d province, and Whereas You have represented unto Us, that having in Obedience to our Commands recommended to the Care of the Gen^l Assembly of our Province of Maryland, The providing a fitt Supply for this Service, they had alledged that the Inhabitants of our s^d Province being very poor by Reason of the Warr and the Lowe price of Tob^o with the daily apprehensions they are in of fforreign Indians; They are become uncapable of Affording such Assistance to New York, and had therefore humbly pray'd to be Excused from all Contributions of that nature, but that for the p^rsent, and till our pleasure herein should be better known they had appropriated the Sum^e of Two hundred pounds to lye Ready for this Service, and have accordingly Empowered you to dispose thereof as there Shall be Occasion, We doe accordingly hereby Require & Direct you to apply the s^d Sum^e of Two hundred Pounds appropriated by our Assembly of Maryland, as aforementioned towards the assistance of our province of New York against the ffrench and Indians in those parts,

upon the application of our Govern^r or Command^r in Cheif of New York, which s^d Sum^e of two hundred pounds applyed towards the assistance of our s^d Province, We are pleased to declare, Shall be instead of the Quota or other assistance to be given by our s^d Province of Maryland towards the Defence and Security of our said province of New York untill upon further Consideration of this matter We Shall give other Directions herein: And for So Doing this Shall be your Warrant. Given at our Court at Kensington this Second day of Jan^r 1696/5 In the Seventh year of our Reign.

By His Majesties Command.

Govern ^r of Maryland ab ^t }	Shewsbury
Assistance for New York. }	

W. R:

His Ma^{ty} Trusty and Welbeloved We Greet you well:
 Letter to the Govern^r of New York ab^t the Quota of Virg^a and Maryland
 Whereas upon your Representation, that notwithstanding Our Pleasure Signified to our Severall Colonies in the Northern parts of America that they should Agree upon a Quota of Men or other assistance to be given by them Respectively for the Defence of our Province of New York Some of the said Colonies having Omitted to Send Com^{rs} to adjust the Said Quota's, nothing had been done therein; The Severall Govern^{rs} of our s^d Colonies were directed to send the Respective Quota's of Men or other Assistance appointed by Us for the Defence & Security of our s^d Province; We declaring our pleasure that two hundred forty Men of our Militia of our Colony of Virg^a and one hundred and Sixty men of our Militia of our Province of Maryland Should be the measure of the Assistance to be given by our s^d Colony and Province upon the application of our Govern^r or Commander in Cheif of our province of New York, and it having been Represented unto Us by our Respective Govern^{rs} of our Colonies of Virginia and Maryland that having in Obedience to our Commands herein recommended to the Care of the Generall Assembly's of our s^d Colony and province Respectively the providing fitt Supplys for the s^d Quota's they had Alledged that the Inhabitants being very poor by Reason of the Warr and the Lowe price of Tobacco, and the apprehensions of Forreign Indians putting the Countrey to Great Charges to Secure their ffrontiers, they are become incapable of affording any Assistance to New York And had humbly pray'd to be Excused from all Contribution of th^t Nature, But that for the Present the Respective Assembly's have appropriated the Sum^e of ffive hundred Pounds for our Colony of Virginia and two hundred pounds for our Province of Maryland to Lye ready for the s^d Service

Lib. II D. and have accordingly given Power to the Respective Govern^{rs} to apply the Same as there Shall be Occasion; We have there-upon Signified Our Will and Pleasure to our Trusty and well Beloved S^r Edmund Andros our Govern^r in Cheif of our Colony of Virginia; And to our Trusty and Welbeloved Francis Nicholson our Govern^r in Cheif of our Province of Maryland to dispose of the s^d Severall Sumes of ffive hundred pounds and two hundred pounds respectively upon your application towards the Defence and Security of our Province of New York which s^d Respective Sumes of ffive hundred pounds and two hundred Pounds We are pleased to declare shall be instead of the Quotas or other Assistance to be given by our s^d Colony of Virginia & Province of Maryland towards the Defence and Security of our s^d province of New York untill we shall Signifie our further Pleasure herein; Given at our Court of Kensington this Second day of Jan^y 1696/5 In the Seventh year of our Reign.

By his Majesties Command.

Govern^r of New York ab^t the Quotas } Shrewsbury
of Virginia and Maryland }

Whitehall the 10th of Janury '96/5

Gentlemen

Mr Poveys
Lie to the
Governor &
Councill &
Assembly of
Maryland

I have Received by S^r Thomas Laurence the ffavour you were pleased to doe me by Your Letter of the 18th of Octob^r for which and the good Sence You are pleased to Retain of my Services I cannot Omitt to Return a most Gratefull acknowledgem^t and to assure you that to the Utmost of my Power I shall continue my Endeavours for the good of the province of Maryland and though I may not properly Appear as the publick Agent of the province Yet if my Care for the promoting the Publick Affair's of the Countrey and the procuring a Speedy Dispatch of them through the Severall Offices may be thought worthy Your acceptance, I shall Readily perform that part, S^r Thomas Laurence, who has indifefaticably Solicited the Affairs of the Province during his Stay here, will give you a perfect Acco^t of all things relating to the Severall matters transmitted from Maryland, Such of them as have met with Difficulties, So as to Remain undetermined Shall be dispatcht with all the Speed that may be, And as well in this as in all other matters relating to the publick Welfare of the province of Maryland I Shall Endeavour to approve my Self,

Gentlemen

Yo^r most faithfull & humble Serv^t
John Povey

Com^{rs} of the S^r
Customs L^{re}
to Geo: Pla-
ter Esq to
see the Acts
of Trade
Vigorously
prosecuted
&c^a

Lib. H. D.

p. 8

We herewith send you a Coppy of a Letter which we have written to the Govern^r of the Severall Plantations for your Information & Guidance in the Severall points therein Contained, being Occasioned cheifely by an Act lately passed in Scotland for Erecting a Company to Trade from thence to India Affrica and America; whereof we likewise Send you a Coppy with a Coppy of the Address from the Lords Spirituall and Temporall and Commons in Parliam^t Assembled, to his Ma^{ty} and his Majesties gracious answer thereto; By all which you will Observe the Danger threatning his Ma^{ty} Plantations, and the Loss likely to Attend our Trade from this Act, if the Scotch should under Colour thereof, Settle themselves in Plantations in America, which yet we dont see how they Can, So as to Obtain any advantge thereby, but by the Contrivance and Corruption of our Officers, And therefore to prevent them in their Designs, as we have Excited the s^d Governo^r to a Vigorous Execution of the Severall Laws made in England for the Security of our plantation trade, So we would Stirr you up thereunto; & doe Require from you a dilligent Observance of the s^d Laws & the Ord^{rs} and Instructions which you have Received in pursuance thereof, within your Station, having a more Especiall Eye and Reguard to such Ships and Vessells as may be any wayes suspected to Come from Scotl. or be bound thither, It being our Resolution to proceed ag^t Such of our Officers who Shall be Guilty in this Kind, with the Utmost Rigour and Severity.

We rest,

Your Loving ffrriends
Ja: Chadwick } Robert Southwell
Sam: Clarke } P: Ward.

Custom House Lond^o
Jan^{ry} 9th 1695.

Maryland.

S^r

Com^{rs} of the
Customs L^{re}
to his Ex^{cy}
to see the
Acts of
Trade
Vigorously
prosecuted
&c^a

There having been an Act lately pass'd in Scotland for Erecting a Company to Trade from thence to India Affrica and America, wherein many Persons have Interested themselves by large Subscriptions, in Ord^r to a Vigorous Carrying on the Trade to and from those parts w^{ch} in time may tend to Destroy the Trade and Navigation of England and Carry it to Scotland We did lately in Obedience to an Ord^r of the R^hon^{ble} the Lords Spirituall and Temporall in Parliam^t Assembled, Lay before their Lord^{sh} in Writing what we Conceived the proper means to Remedy the inconveniences Arising by

Lib. H. D. the s^d Act; And their Lord^{ns} with the Commons in Parliam^t Assembled having in an Address Represented to his Ma^{ty} the great advantages thereby Granted to this Company and the Obstructions that this Act will unavoidably bring to the

P. 9 Generall Trade of this Nation, and particularly that when the Scotch shall have Settled themselves in Plantations in America Our Commerce in Tobacco Sugar &^{ca} will be Utterly Lost for the Reasons therein mentioned; We doe herewith Send you Copy of the s^d Act, with Copies of our s^d Report & of this Address with his Ma^{ty} most gracious Answer to the s^d Address, as the best means to Awaken and Excite you to a Vigorous Execution of the Severall Laws made in England for the Security of the Plantation Trade and making this Kingdom the Staple both of the Commodities of the Plantations and the Commodities of other Countreys and places for the Supply of the s^d Plantations; And as we hope That the s^d Laws and the Ord^{ns} & Instructions which from time to time We have Given in pursuance thereof to the Severall Officers Employed under Us within your Governm^t will be found Sufficient to prevent the inconveniencies and Mischeifs which may Arise from this Act, So we desire you will please more Especially at this time to See that all and every the s^d Officers Doe strictly pursue their Duty's according to the Laws of England relating to the plantations, which they have in Charge from Us, and our afores^d Ord^{ns} and Instructions, And give you an Acco^t of every Ship Tradeing in their respective p^rcinets in the fform and method p^rscribed by Us.

111 [And it will more especially Concern you to be very Carefull that the persons employed under you as Nav^y Officers for the taking of bonds and the giving out and taking in of Certificates be persons of known Integrity and that they be under Oath and Security for the faithfull Discharge of their Trusts]

On the other hand that no Officer within Your Governm^t may pretend Ignorance or be Imposed upon in Receiving or Accepting of forged Certificates mentioning Security to be taken by the Officers of the Custom's in Some Port of England Wales or Berwick for the Return of Ships with their Loadings to this Kingdome, or other forged Certificates for Ships Discharging their Loadings from the plantations in Some port in England Wales or Berwick, when in reallity no Such Bonds have been here given nor loadings here discharged But the Ships therein mentioned have gone directly to and from Scotland (of which we have many instances now before Us) We shall for preventing these ffrauds and abuses hereafter Every three months or as often as Conveyance shall Offer, Send you an Authentick and Attested List of every Ship or Vessel with the Masters Name that hath Entered into any Port of Eng^l

Wales or Berwick for any of his Ma^{ty} plantations & given Lib. H. D.
Security to Return from thence with her loading, and a Like
List of every Ship That hath Discharged her Loading from
Yo^r Governm^t & had a Certificate thereof from any Custome p. 10
House of England Wales or Berwick in Order to the Vacating
the Security given with you; And if any Ship pretending to
Come from England with a Certificate of giveing Bond here,
or a Certificate of Dischargeing her loading in Some port of
this Kingdom for Vacating the Bond given to you, shall not
be found in One of those Lists respectively according to the
Ord^r and Date of Such Certificate You may Conclude such
Certificate to be fforged or Counterfeit, And as the Case Shall
happen It will be Incumbant on You Either to p^rsecute the
Bond as fforfeited or to seize Such Ship as Shall p^rsume to
load or take on Board any of the Enumerated Commodities by
Colour of such Counterfeite Certificate Unless it may soe fall
out That a Ship Shall Arrive with a Certificate from England
before such List Comes to your hands, Whereby to Discover
whether it be a true or a Counterfeite Certificate In which Case
it will be advisable for you to take good security in the
Country for the Carrying such of the Enumerated plantation
Goods as She shall there Load, to Some Port of England
Wales or Berwick.

We likewise remind you on this Occasion of the Clause in
the Act of Navigation made in the 12th year of the Reign of
King Charles the Second, Which provides that no Alien or
Person not Born within the Kings Allegiance or Naturalized
or made a free Denizen shall Exercise the Trade or Occupa-
tion of a Merchant or ffactor in any of the Plantations, upon
pain of fforfeiture of all his Goods and Chattels, And we desire
you to Cause a due observance thereof within your Governm^t
And let the Com^{and} of his Ma^{ty} Ships of Warr or others
having Commission from his Ma^{ty} Coming to Yo^r Government
be ffurnished with Coppyes of the Instructions which we have
purposely prepared and Sent you in pursuance of the s^d Act
of Navigation, by which Act they are Authorized to Seize and
bring in as prize all such Ships & Vessells as shall be found
Offending Contrary thereunto; ffor whose Encouragement one
Moyety of the forfeitures after Condemnation is thereby
allotted them and their Companyes to be divided & propor-
tioned amongst them according to the Rules and Ordⁿ of the
Sea, in Case of Ships taken Prize.

And as by the Acts of Trade and Navigation the Govern^{mt}
of the plantations are particularly Enjoyed by Solemn Oath
and under the penalty of being Removed from their Respective
Governments, to doe their Utmost that all the Matters and
things therein Contained Shall be punctually and bonâ fide
Observed according to the true intent and meaning thereof,

Lib. H. D. So we Expect you will particularly take Care that noe Ships
 p. 11 or Vessells be permitted to Import or Export any Goods or
 Commodities to or from your Governm^t but shall be duly
 quallified and Navigated as thereby is Directed having a more
 particular Eye & Reguard to those places which are most
 Conveniently Scituated for the Scotch and other Illegall
 Traders to load & Discharge at.

And withall let none be accepted or taken as Security with
 Masters of Ships but such as shall be persons of Sufficiency
 and Value and inhabitants on the place. It Remains only
 further that We Remind you of the Act of Trade made in the
 15th year of the Reign of King Charles the Second, which
 provides that no European Goods (except what is therein
 Excepted) Shall be Imported into any of his Ma^y Plantations
 but such as shall be loaden and Shipped in England Wales or
 Berwick and in Ships and Vessells quallified and Navigated
 as therein is Directed, under the penalty of forfeiture of Ship
 and Goods, and every person or persons Importing any Goods
 or Commodities whatsoever into any of the plantations, is by
 the s^d Act to Deliver to Each respective Govern^r or the Person
 Authorized by him within Twenty four hours after such Im-
 portation, their Names and S^r Names, and a true Inventory
 and particular of all Such Goods, together with the place or
 places in w^{ch} the s^d Goods were loaden or taken in Under the
 like penalty's of fforfeitures. We are

Yo^r Very humble Servants

Custom House Lond^o

9 of Jan^{ry} 1695.

Copia

P Ward

Robert Southwell

Ja: Chadwicke

To the Lords Spiritual and Temporall in Parliament
 Assembled.

The Comrs
 of his Ma^y
 Customs Re-
 port unto the
 Lords Spirit-
 uall & tem-
 porall in Par-
 liam^t Upon
 the Scotch
 Act &c^a

May it Please Yo^r Lordships. In Obedience to
 Your Lordships Commands Signified by an Ord^r of
 the 19th Instant Requiring the Com^{rs} of his Ma^y
 Customs to Lay before this hon^{ble} House in Writing
 what they Conceive may be the proper means to
 Remedy the Inconveniency's Arising by the late
 Act of Parliam^t made in Scotland for Establishing
 an East India Company there, We doe humbly Observe to
 your Lordships in Generall, That the Act for Encourageing
 of Shipping and Navigation in Scotland in the year 1661
 being by this late Act rescinded and Despenced with for Ten
 Years and a ffreedome therby Granted to this Scotch Com-
 pany, from all manner of Customs and other Dutys imposed
 or to be imposed by Act of Parliam^t or otherwise durement the
 p. 12 Space of 21th years must in Consequence have a very fatall
 Influence upon the Trade and Navigation and Revenue of

Customes in England, And if it may not be Supposed, That an Act which in its Consequencies may Endanger the good Correspondence which is necessary to be preserved, between the two Kingdoms may be repealed, We would humbly propose as the best expedient to Remedy the Inconveniencies by the s^d Act, That there might be Such an Establishm^t of those Trades lyable to be Injured thereby as may give Encouragem^t to the people and Inhabitants of England to employ their Stocks and Estates for the Carrying on those Trades to the best Advantage. And on the other Side that the Subjects and Inhabitants of this Kingdom be discouraged under Severe penalties from Engaging in the Stock or managem^t of the s^d Company. Lib. H. D.

As to the West India Trade, with respect to his Ma^{ty}s English Plantacōns We humbly Observe to Your Lordships That the Acts of Trade and Navigation, doe in Great measure provide for the Security thereof, for that as the Laws of England now Stand none of the Enumerated Commodities as Tobacco, Sugar, Cotton, Wooll, Indico Ginger ffustick & other dying Wood can be Shipt at any of the s^d Plantations until Sufficient Security be first given in the penalty of 1000^l for every Ship or Vessell under 100 Tons Burthen and of 2000^l for every Ship or Vessell of a greater Burthen with Condition to bring the Same to England, Wales or Berwick and there to unload & put the Same on Shore the danger of the Seas only Excepted in such Shiping as is provided for by the s^d Act, Nor Can any European goods be Exported to any of the s^d Plantations, but what Shall be laden in England Wales or Berwick, and in Ships duly quallified and Navigated as afores^d under the Penalty of forfeiture of Ship and Goods Except Salt for the ffisheries of New England and New ffound Land Wines of the Grouth of the Madera's, Western Islands or Azores and Servants or horses from Scotland or Ireland and Provisions of the grouth & Production thereof Respectively. But it may be further Necessary that the Govern^r of the Respective Plantations, and the Severall Officers Employed under them be Awakened on this Occasion to put the afores^d Lawes in a Vigorous Execution, And moreover that a Certaine Number of Vessells of Competent force be appointed to Cruise on the Coasts of America and else where with Suitable Instructions to the Comand^r for Seizing and bringing in as Prize all such Ships and Vessells as shall be found Trading in Contempt of the afores^d Lawes, or any of them,
Custom House Lond^o

12th Decemb^r 1695.

All w^{ch} is humbly Submitted to
your Lord^{sh}s Consideration R^o South-
well Rob^t Clayton J: Chadwick
Walter Younge Pa: Ward Sam:
Clarke

Lib. H. D. The humble Address of the R^t Hon^{ble} the Lords Spirituall
p. 13 and Temporall and Commons in Parliam^t Assembled.

Die Veneris 13th Decembris. 1695.

The Lords
& Commons
address to
his Ma^{ty} abt
the Scotch
Act.

We the Lords Spirituall and Temporal, and Commons in Parliam^t Assembled having taken into our Consideration the State of the Trade of this Kingdom Do find, that besides many other Disadvantages and Difficulties it now lies under An Act of Parliam^t that hath lately Received your Ma^{ty} Royall Assent in yo^r Kingdom of Scotland for Erecting a Company Trading to Affrica, and the Indies is likely to bring many Great Prejudices and Mischeifs to all yo^r Majesties Subjects, that are Concern'd in the wealth or Trade of this Nation; and therefore in all Duty to Your Ma^{ty} and the Care We ought to have of this Kingdom, We doe humbly Represent to Yo^r Ma^{ty} that the s^d Act does provide, that all Ships, Vessells, Merchandize, Goods, and other Effects whatsoever, belonging to that Company, Shall be ffree from all manner of Restraints, or Prohibitions, and of all Customs, Taxes, Sesses, Supplyes, or other Duties Imposed, or to be Imposed by Act of Parliam^t or otherwise, for the Space of one and Twenty Years: And farther, That the s^d Company, whole Members, Officers, Servants, or others belonging thereto shall be ffree both in their persons, Estates, and Goods, Employed in the s^d Stock and Trade, from all manner of taxes, Sesses, Supplies, Excises, Quartering of Soldiers Transient or Local, or Levying of Soldiers, or other Impositions whatsoever, during the Space of one & Twenty years. By Reason of which great Advantages Granted to the Scotch East India Company, and the Duties and Difficulties that lye upon that Trade in England, a great part of the Stock and Shipping of this Nation will be Carryed thither; and by this means Scotland be made a ffree Port for all East India Commodities; and Consequently those Severall places in Europe, which were Supplied from England, will be ffurnished from thence, much Cheaper than Can be Done by the English; and therefore this Nation will loose the Bennift of Supplying fforreign Parts with those Commodities; which hath alwaies been a Great Article in the Ballance of our fforreign Trade, Moreover the s^d Commodities will unavoidably be brought by the Scotch into Engl. by Stealth, both by Sea and Land, to the Vast Prejudice of the English Trade and Navigation, and to the Great Detrim^t of your Ma^{ty} in Your Customs, And when once that Nation Shall have Settled themselves in Plantations in America, our Commerce in Tobacco, Sugar, Cotton, Wool, Skinns, Masts &^{ca} will be Utterly Lost

because the Priviledges of that Nation, Granted to them by Lib. H. D.
this Act, are such, That, th^t Kingdom must be the Magazine p. 14
for all those Commodities, and the English Plantations, and
the Traffick thereof lost to Us, and the Exportation of our
own Manufactours Yearly Decreased. Besides these, and
many other Obstructions that this Act will unavoidably bring
to the Generall Trade of this Nation, Another clause in the s^d
Act, Whereby your Ma^{ty} Promises to Interpose your Authority
to have Restitution, Reparation and Satisfaction made for any
Damage that may be Done to any of the Ships, Goods, Mer-
chandize, Persons or other Effects whatsoever belonging
to the s^d Company & that upon the publick Charge; does
Seem to Engage Your Ma^{ty} to Employ the Shipping and
Strength at Sea of this Nation, to Support this New Company,
to the Great Detriment even of this Kingdom All which great
prejudices, Inconveniencies, and Mischiefs arising by the s^d
Act, We in all Duty and ffaithfullness lay before yo^r Majesty.

Matth: Johnson
Cleric: Parliamentor

His Ma^{ty} most Gracious Answer

to the Address of both Houses of Parliam^t Presented to him
by them Yesterday at Kensington.

I have been ill Served in Scotland, but I hope Some Remed-
ies may be ffound to prevent the Inconveniencies which may
Arise from this Act.

Instructions to his Ma ^{ty} Collectors &c ^a	Instructions to	Comand ^r of	First you
	Shall take Care that no Goods or Commodities		
	whatsoever be Imported into or Exported out of the		
	s ^d Colony of Maryland or any other of his Ma ^{ty} Colony's or		
	Plantations in any Ships or Vessells whatsoever but in such		
	as doe truly and without ffraud belong only to the people of		
	Engl. Ireland, Wales or Berwick, or are of the built of and		
	belonging to any of the s ^d Plantations as the Proprietors and		
	Right own ^r thereof and whereof the Master and three fourths		
	of the Marriners at least are English under the Penalty of the		
	fforfieture and loss of Ship and Goods to be Recovered and		
	disposed of in manner as by Law is provided		

2^{dly} You Shall likewise take Care that noe Ship or Vessell Com-
ing from England Ireland Wales or Berwick Shall load any of the
Enumerated Commodities (Viz^t) Sugar, Tob^o, Cotton, Wool,
Indigo, Ginger, Fustick or other Dying Wood before Certifi-
cate be produced from the Officers of some Custom House of
England, Wales, or Berwick that Bond hath been there given p. 15
with one Surety to the Value of one Thousand pounds if the
Ship be of less burthen then one hundred Tonns and of the
Sume of two thousand pounds if the Ship shall be of greater

Lib. H. D. Burthen, that in Case the s^d Ship or Vessell shall Load any of the s^d Commodities at any of the English Plantations that the Same Commodities shall be by the s^d Ship or Vessell brought to Some port of England or Wales or to the Town of Berwick upon Tweed and be there unloaden and put on Shore the danger of the Seas only excepted.

And in like manner that noe Ship or Vessell which by Law may Trade in any of his Ma^{ty} Plantations be permitted to load on board any of the s^d Commodities coming from any other Port or Place untill Bond be given to the Governo^r in manner and to the Value afores^d That such Ship or Vessell shall Carry all the s^d Goods laden on board to some other of his Ma^{ty} Plantations or to England, Wales, or Berwick and if any such Ship or Vessell shall load or take on board any of the s^d Commodities untill such Bond given to the Govern^r or Certificate Produced from the Officers of Some Custom house of England Wales or Berwick that such Bond hath been there duly given or which Contrary to the Tenor of such Bond shall Carry the s^d Goods to any Port or place whatsoever then such other plantation or to England Wales or Berwick and there lay the Same on Shore every such Ship or Vessell shall be forfeited with her Guns Tackle & Appar^l and you shall doe your utmost Endeavours to find out Seize and prosecute the Same accordingly.

3^{dly} If any Ship or Vessell which by Law may Trade in any of his Ma^{ty} plantacōn Shall Ship and take on board any of the afores^d Commodities or Cacao & that Bond shall not be first given with one Sufficient Surety to bring the Same to England Wales or Berwick and to noe other place and there to unload & put the Same on Shore (the danger of the Seas only Excepted) there shall be answered and paid for so much of the s^d Commodities as shall be laden and put on board such Ship or Vessell the Severall Rates & Duties mentioned in the s^d Act to be leavyed Collected and paid at such places and to such Collecto^rs and other Officers as shall be appointed to Collect Leavy and Receive the Same before the unlading thereof & Under such Penalties both to the Officers and upon the Goods as for non paym^t of or defrauding his Ma^{ty} of His Customes in England.

p. 16 And you are to take Care that none of the afores^d Enumerated Goods which shall be pretended for any of the Ships that have given Bond to goe to England, Wales or Berwick only and to no other place be under that Colour Stollen on Board Ships which have given Bond to goe to Some other of his Ma^{ty} English Plantations or to England Wales or Berwick and so evade the Duties payable as afores^d

And you are to take Notice that notwithstanding the paym^t

of the s^d Duties no Ship or Vessell can by Law goe from Maryland or any other of his Ma^{ty} Plantations with any of the afores^d Commodities, to any Port of Europe but to England Wales or Berwick, nor to any port out of Europe but to some other of the s^d Plantations. Lib. II. D.

4^{thly} If any of the goods chargeable with the Duties afores^d shall be laden on board any Ship or Vessell before the Master or Commander hath made Entry thereof according to the Act for preventing ffrauds and the Statutes made in the first Elizⁱ Cap ii Such master or Command^r is lyable to the penalty of one hundred pounds.

5: You are to take Care that no Commodity of the Grouth Production or Manufacture of Europe be Imported but what Shall be bonafide and without fraud laden and Shipt in England, Wales or Berwick and in English built Shipping or Ships otherwise quallified except Salt for the ffisheries of New England and Newfound-Land Wines of the Growth of the Maderas Western Islands or Azores and Servants Horses and Victualls from Scotland and Ireland under the florfeiture of Ship & Goods.

6: And for the prevention of Frauds, You are to Inform Yo^r Self whether any Ships or Vessells Coming to Maryland lade or Unlade any Commodities whatsoever untill the Master or Commander thereof shall first have made known to the Governo^r or whom he appoints to that purpose the Arrivall of Each Ship or Vessell with her name and the name and S^r Name of the Master and hath Shown that She is an English built Ship or otherwise quallified and Navigated according to Law, and doth deliver to the Govern^r or such other Person a true and perfect Inventory of her lading together with the place or places where such Goods were taken in.

7: And whereas Severall Ships doe Trade in his Ma^{ty} plantations w^{ch} by Law ought not to Trade there and Severall European Goods are Imported thither from other places then England Wales or Berwick and Several Ships loaden with Enumerated Plantation Commodities doe goe for Scotland and other places without first Coming to England and actually unloading there You are Carefully to Examine all Certificates which Shall be brought of any Ship having Given Bond for the preventing false and Counterfeit Certificates, and as to such Ships & Vessells as doe give Bond in Maryland You are to Endeavour to discover whether the Condition of the s^d Bonds be perform'd & Certificates thereof produced and on failure thereof that they be prosecuted, & for this End if any Ship or Vessell w^{ch} have Given Such Bond shall happen to arrive again with you, You are to Demand of her Master a Certificate p. 17 of such Ships having Discharged her former lading according

Lib. H. D. to such Bond. And if he produce no such Certificate that such Bond be put in process without further delay, and in all Cases where bond hath been given if you Can discover and make proove that any such Ship or Vessell hath discharged her lading contrary to her Bond, or that a Convenient time hath been past in expectation of the Return of a Certificate of her unlading according to the Tenor of her Bond and that no Certificate is Returned you are to take like Care that the Bond be put in process.

8^{thly} You shall from time to time correspond with the Collecto^r of his Ma^y Customs in Maryland and inspect the Clearings of all Ships & Vessells in their Books in Ord^r to the better discovery of forged Cocquets and Certificates and Shall inform them of Such matters as shall Come to your knowledge that may be of Use to them in his Ma^y Service.

The Lords of the Councils Lre to his Excy to See the Acts of Trade Executed according to the Com^{rs} of the Customs Lre

After our very hearty Commendations, Whereas the Lords Spirituall & Temporall with the Commons Assembled in Parliam^t have by their late Address Represented to His Ma^y the Obstructions that will Unavoidably accrue to the Trade and Navigation of this Kingdom by An Act lately Passed in Scotland for Erecting a Company to Trade, from thence to India, Affrica and America, a Copy of which Act, and the Address of the Lords and Commons with his Ma^y Gracious answer thereupon you will Receive from the Com^{rs} of his Ma^y Customs together with a Letter from the s^d Comm^{rs} recommending to Your Care the Vigourous Execution of the Severall Laws made here in England for the Security of the Plantation Trade, and to See that the Officers of the Comm^{rs} of the Customs within your Governm^t doe Strictly pursue their Duties according to the s^d Laws, and further Reminding you of what is by the s^d Laws more especially Required at your hands for the better Securing the Plantation Trade to this Nation, We have Received his Ma^y Commands to let you know, that his Ma^y being very Sensible how prejudiciall the s^d Act past in Scotland may be to the Trade and Commerce of this Kingdom, as well to his Ma^ys Plantations as to other parts; His Ma^y expects from you not only a Strict performance of what is Recommended to your Care by the Comm^{rs} of the Customes in their s^d Letter as the best means to Remedy the Said inconveniences for the p^{re}sent, but that you also use your Utmost Endeavour that the Laws of Trade and Navigation of this Kingdom may be duly and strictly executed within yo^r Governm^t as well by what Countenance and Assistance you may give to the Officers of the Comm^{rs} of the Customs in this behalfe, as by all other ways

and means whatsoever, that you may Use whereby the ill Con-
sequences of the s^d Act past in Scotland, To the Trade and Lib. H. D.
Navigation of this Kingdom, may be avoided, In all which
his Ma^{ty} Expects a Strict compliance from you according to
your Duty as you will Answer the Contrary. And so we bid
you very heartily ffarewell from the Councill Chamber at Ken-
sington this thirteenth day of febr^y 1695/6. In the Eighth
year of his Maⁿ Reign. Yo, very Loving ffrinds.

Govern ^r of Maryland to See the Acts of Trade execut ^d according to the Comm ⁿ of the Customs Letter.	}	Dorsett	{	Pembroke CSS.
		Stanford		Devonshire
		Lancreville		Monmouth
		J. Bridgewater.		

John Nicholas.

December the 19th 1695

Govern^rs
Representa-
con touch-
ing Admⁿcon
vpon Abing-
tons Estate

His Excellency Representing that Whereas Rich-
ard Harrison of Calvert County having about Twelve
Months ago applyed himself vnto him for Letters of p. 234
Administration vpon the Estate of John Abington of
the Kingdom of England Merchant dec^d he appear-
ing to be principall Credito^r by a Debt of 660^l 16^s 5^d 1/8 sterl
due to him from the said Estate vpon score of factorage yet
notwithstanding could not be admitted to Administer in his
own name, whereby to secure himself by reason of his refusing
(through tenderness of conscience) to take the Oath of an
Administrator or to swear being a Quaker; therefore it was
considered that his Administring by proxy might be sufficient
to secure him of his Debt and the remainder of the Estate for
the vse of the lawfull Adm^r of Abington in England, And that
accordingly afterwards came James Crawford of Calvert
County afores^d Recommended by a Letter from the hono^{ble}
Coll Henry Jowles to be a person of integrity, skill & honesty
for to vndertake & manage such a Concern, wherevpon Let-
ters of Admⁿcon were by the Commissary Gen^l granted vnto
the said Crawford for the vse of the lawfull Admⁿ in England
& benefits of the Creditors so soon as the same should appear.
That some time after there coming a procuration from Eng-
land from M^{rs} Miriell Parney sister of the s^d Abington dec^d &
M^{rs} Miriell Abington his Neece (to whom Letters of Admⁿcon
vpon the aforementioned Estate, had by the Metropolitan of
England been granted as next of kin after John Abington his
kinsman, who by Will was left his sole Executo^r had renounced
the said Will) constituting the aforementioned Richard Harrison
& one George Lingan of Calvert County aforesaid their law-
full Attorneys to their vse to take care of the s^d Estate, but
the s^d Harrison though the greatest Credito^r refusing to take

Lib. H. D. the Oath of an Adm^r was render'd vncapable thereof and by his consent the said Ligan the other Attorney had Letters of Adm^{con} granted to him to the vses afores^d and the s^d Craufords Adm^{con} therevpon Revoked & Ordered to Render an Aco^t of his Adm^{con} to M^r Ligan the present Adm^r And pursuant thereto the s^d Ligan exhibitted a Libell in the Commissaries Office against the s^d Crauford setting forth that Crauford had by Virtue of the former Letters of Adm^{con} possessed himself of the whole Estate, and the better to colour his detaining the same, he had perswaded Richard Harrison for to take his
 p. 235 own Obligation for the paym^t of 660^l sterl due to the said Harrison from the s^d Estate, to be paid in three years time, and in like manner dealt with some other of the Chief Credito^r telling them the Estate was much indebted in England and that there would Debts of a higher nature appear, therefore would not run the hazard of paying anything otherwise than he had proposed; the said suggestion being vtterly false, that he could run any hazard having at that time in his hands, Effects in Debts, Mortgages Negros['], Servants & Cattell &c^a to the Value of above 2000^l sterl Wherevpon such Proceedings were made in the Commissaries Office that after an Answer to the said Libell put in, and a Replication & Rejoynder thereon, the Commissary vpon a full hearing of the matter on both sides did sentence & decree that the said Crauford should Restore into the possession of the Libellant, the Negro's, Servants, Cattell &c^a And that the Libellant should see the s^d Crauford discharged & fully released from his Bond given to Richard Harrison for the paym^t of 660^l sterl & in short to reimburse all Charges he had been out or what Debts he had actually paid, in which the s^d Estate was really indebted & incumber'd with however the s^d Crauford not resting contented with such a sentence, finding the same would totally dispossess him of all, and so he miss of his Aim in Enriching himself thereby, gave him occasion to Appeal therefrom, and accordingly moved his Excell in Council to constitute a Court of Delegates for to Examin the s^d sentence &c^a to which end & purpose a Commission issued Empowering the Delegates therein nominated to Command the whole proceedings before them & vpon their fully hearing the same, to give Sentence accordingly; that the said Court vpon hearing the matter did adjudge th^t the Agreem^t by the s^d James Crauford (former Adm^r) Entred into for paym^t of the aforementioned Sum^e of 660^l sterl to Richard Harrison principall Credito^r was sufficient discharge to the Estate of the s^d John Abington dec^d for so much, and for that Reason did adjudge that part of the sentence void whereby the s^d Article was dissolved, Wherevpon the s^d Crauford detaining all in his

hands by Vertue of the s^d sentence the s^d George Lingan hath Lib. H. D.
humbly complain'd vnto his Ex^{ncy} for Redress, who therevpon p. 236
sent for the Commissary; but some extraordinary matter hap-
pening which hindred his attendance, he sent a Letter of
excuse, therein signifying that he did not know any legall
way how to free the Estate from the present intanglem^{nt} but
by a Commission of Review, saying he is outed of all Jurisdic-
tion of the Cause by Removall of the Commissaries Record
before the Delegates. His Excellency is therevpon pleased
to observe that through the Vilany of the said Crauford, who
was at first made only Adm^r in trust for the vse of another,
the matter is brought to such a dilemma for want of speedy
proceedings therein (a Commission of Review not being pos-
sible to be had before ffeb^{ry} Court next, severall Gentlemen of
the Councill living on the other side the Bay who should be
vpon the same, and most Gentlemen living on this side were
of the Court of Delegates) that his Ex^{ncy} does think himself
bound in conscience, as the case stands (it plainly appearing
to him a designed Cheat & a Juggle from the very begining
& through the whole course of the s^d Craufords Proceedings
by still detaining the s^d Estate in his hands, to Enrich himself;
though notwithstanding he has been proferred security by the
said Harrison & Lingan (both before & now again in the
presence of his Ex^{ncy} to save him harmless from all damage &
to Cancell his Bond) for to take the best methods at present
to preserve the s^d Estate for the vse of the heirs & Credito^{rs}
which inevitably now goes to Ruin; the Tobacco & other
Debts amounting to a considerable Sum^e still lying uncollected
& not likely to be Collected this year, though in all proba-
bility a good price might this year be had for Tobacco, which
might redound to the benefit & profit of the heirs & Credito^{rs}
afores^d besides through letting Debts lye long severall persons
may become insolvent; for the said Reasons and for that the
s^d Crauford got himself craftily possessed of the s^d Estate on
purpose (as his Ex^{ncy} is well informed) that he might favour
some persons who were in combination with him & Debto^{rs} to
the s^d Estate, that afterwards (according to the custom of the
Countrie) he might by an vnder Appraisem^t get halfe the
Estate to himself and lastly that by his Endeavouring to
intangle the same so in Law (according to the custom of the
Countrie also that he might bring an ill Report thereon
whereby it might be vndervalued & by that means procure a p. 237
purchase of the whole Estate to himself or others; His Excell
does therefore advize the afores^d George Lingan for to pro-
test against the s^d James Crauford for all damages whatsoever
which may any wayes Ensue vpon the said Estate by Reason
of him the said Craufords detaining the same in his hands, and

Lib. H. D. the said George Lingan does hereby protest against the s^d Crauford accordingly as also demands of the s^d Crauford before his Ex^{cy} the delivery of the plantations belonging to the s^d Abington, that he may improve the same for the benefit of the Adm^r in England &c^a the which said Crauford refusing the said Lingan therevpon did Protest against him for what damage might thereby also ensue.

Clause of a Letter sent from M^r Kenelm Cheseldyn Commissary Gen^l of the province of Maryland vnto his Excellency the Govern^r the s^d Letter bearing Date, December the 17th 1695.

Clause of
the Commis-
sary Gen^{ls}
L^{re} touching
the Court of
Delegates
sentence
vpon Crau-
fords Ap-
peal &c^a

Viz^t

How to free the Estate from the present intangle-
ments I see no legall way but by a Commission of
Review, for by the Removall of the Commissaries
Records before the Delegates, he is by Law outed of
all Jurisdiction of the Cause, and the Delegates
Commission is determin'd and their sentence is so
vncertain by their words, none knows what it means, for they
say they make that part of the sentence void, whereby that
Article is disallowed, meaning that the Agreem^t is a sufficient
discharge of Abingtons Estate from the 660^{lbs} Whereas there
is no such Article (as they call it) in my sentence either to be
allowed or disallowed but a thing of their own fancy & imagi-
nation to support & colour an Erronious sentence, and were
not my Record removed I see nothing in theirs to hinder the
Execution of my first sentence. However I see not but M^r
Lingan at Common Law as Adm^r may Replevy the Negros,
for there is nothing in the Delegates Sentence to divest him
out of the property to them; And also M^r Attorney Gen^l may
sue the Adm^r Bond for want of a true Inventory & not ex-
hibited in time tho often Cited therevnto, for there is not one
Debt of Abingtons brought into the inventory, And this will
make good the damage of lying out of the Debts this year by
his detaining them from the Administrator.

p. 25 Certificate
for Arms &
Amunition
delivered
out of his
Maj^{ty} Store
to Gov^r
Copley.

These are to certifye whom it may concern that
pursuant to an Ord^r in Councill of the 15th of Octob^r
1691 there was on the 2^d of Jan^{ry} following delivered
out of his Maj^{ty} Stores within this Office to the hon^{ble}
Colonel Lyonel Copley Govern^r of Maryland One
hundred Barrells of powder, and two hundred Snap
Musketts who put the same on board such Ship as he thought
fit to transport them thither; but on board what Ship we know
not nor is this Office to be at any charge for the ffreight

thereof; but the same to be defrayed by that Province. The Lib. H. D.
Powder being given and the Armes spared by his Ma^{ty} ffavour
for the service thereof:

Given at the Office of his Ma^{ty} Ordinance this 13th of Jan^{ry}
1695

John Charleton
Cop^a Tests Edw^d Randolph

Tho: Littleton
W^m Boulton

true Copy.

William R.

Warrant for Trusty and well Beloved We greet you well,
issuing Whereas the Case of George Mason and Will^m
pardon for Burley condemned about four Years ago for the
Mason & Burley. murther of John Payne our Collecto^r on Petuxent
River hath been Represented to Us in Councill whereby it
appeared that one John Woodcock likewise convicted with
them was executed for the Said Murther upon his Confession
that he only committed the Fact, & that the s^d George Mason
and William Burley were no otherwise Concern'd in it, then
being present at that time on board the Yatch, Whereupon
the Assembly of Maryland reprieved them and in Reguard
of the great charge they have been to the Countrey by their
Long Imprisonm^t they have Requested you to recomend them
to Us as fit Objects of our mercy. We having taken the Prem-
ises into our Royall Consideration are graciously pleased to
Signifye our Will and pleasure to you, that you Cause a
Pardon to be passed under the Seale of that our Province of
Maryland unto them the s^d George Mason and Will^m Burley
for the Offence afores^d with Such Clauses as are Usual and
Necessary in this behalfe, And for so doing this Shall be
Your Warrant And So we bid you ffarewell. Given at our
Court at Kensington the 20th day of february 1695/6 in the
Eighth Year of our Reign.

Mason and Burleys Pardon
in Maryl.

By his Ma^{ty} Co^mmand
Shrewsbury

Mason & William the Third &^{ca}.
Burleys par-

don abt the To all persons to whom these p'sents shall come,
murther of Greeting. Whereas George Mason and Will^m Bur-
Mr. Payn ley stand convicted and Condemned for the murther
of John Payne our late Collecto^r of Petuxant River in our p. 25
Province of Maryland, and that they have been Rep'sented to
Us as fitt objects of our mercy in as much as the s^d Murther
was principally committed by one John Woodcock who was
Executed for the Same, and they the s^d George Mason and

Lib. H. D. Will^m Burley no otherway's guilty thereof then by being p^rsent at the time th^t the s^d ffact was committed by the s^d Woodcock We have thought fit as by these p^rsents we doe of our meer motion and Speciall Grace acquit release and pardon them the s^d George Mason and W^m Burley of and from the condemnation and murther afores^d and off and ffrom all paines penalties convictions attainders corruptions of blood fforfeitures & confiscacōns that may any wayes be inflicted upon them, or they any wayes lyable to for or by reason of the s^d murther, or their conviction and condemnation thereof hereby restoring them to the ffree benefitt of the Law, and Granting that they shall be accepted deemed and reputed in all our Courts of Justice and else where as capable to all intents and purposes as if the s^d ffact had never been committed, nor they ever convicted thereof.

At a Councill held at the Port of Annapolis, the 27th day of ffeb^r (being thursday) in the Eighth year of the Reign of our Sovereign Lord King William the third &c^a Annoq Domini 1695/6

Present

Whitehall

His Ex^{ncy} ffancis Nicholson Esq^r Cap^t Gen^l &c^a

The hono^{ble} { Coll Nicholas Greenberry }
 { Coll John Addison }
 { James ffrisby Esq^r }

Persons Came Daniell Danielson Nicholas dela Montague,
 Naturalized Harmen Vanboekele Hendrick Sluyter & Jacob
 sworn & sub- scribe to Sluyter (persons naturalized by a late Act of Assem-
 the Test. bly) and severally tooke the Oaths appointed by
 Act of Parliam^t to be taken instead of the Oaths of Allegiance
 & Supremacy and also subscribed to the Test.

Whitehall Clk of the In- Came M^r Henry Bonner Clerk of the Indictm^{ts} of
 dictm^{ts} of A: Ann Arrundell County Court & was sworn accord-
 A: Co: Court ingly.
 sworn

Produced & Read a Letter from M^r John Llewelin to his Excell sent & directed, Dated the 4th day of ffeb^r instant, therein excusing his non appearance here, pursuant to his Ex^{ncies} Ord^m to make vp the Councill proceedings of his time, desiring that he might be permitted to carry the papers and Minutes down to his own house in S^t Maries County to prevent the great Charge which would otherwise vnavoidably Accrue to him, the which being maturely considered it is thought altogether inconvenient & vnfit that his Request be

complied with, tho they are sorry he has brought such an inconvenience vpon himself, and therefore Ordered that the said LLewellin (with what possible expedition he can) come vp & finish at the Port of Annapolis the Proceedings afores^d pursuant to former Ord^r Lib. H. D.

The hono^{ble} Coll John Courts Letter of Excuse for not coming to Councill, read & admitted off. Whitehall

Produced & by Ord^r read certain proceedings (in relation to the Broad Seal of the province) had & taken before his Ex^{ncy} the Govern^r the sixth day of December last, which follow in these words, Viz^t

December the 6th 1695.

Proceedings touching Coll Jowles &c^a Came before his Excellency M^r John ffreeman Register in Chancery and his Excell, producing vnto him a couple of instrum^{ts} a subpena & an injunction in Chancery, the which he had produced & delivered vnto his Excell some ffour or ffive Nights ago vnder the Broad Seall of the Province, and being then by his Ex^{ncy} examin'd whether the s^d two Instruments were perfect & intire without any blancks left in the same before they passed the Broad Seal, did then Answer & confess they were not perfect, and being asked the same question now, his Ex^{ncy} shewing him the two Seals which he tore from the s^d instruments, the said ffreeman made the same Answer, and his Ex^{ncy} therevpon burnt the s^d Seals.

The hono^{ble} Coll Henry Jowles (Keeper of the Broad Seal) delivering vnto Maj^r Edward Dorsey, one of the Commission^{rs} in Chancery, the Broad Seal of the province, by him to be kept pursuant to the Ord^r of Councill; Ordered that the s^d Maj^r Dorsey keepe the s^d Seal secure, and that he apply it no instrumen^t but what is Authentick & according to the Rules & practice of his Ma^{ty} high Court of Chancery & that the Register of the s^d Court take notice accordingly.

Ordered that the hono^{ble} Coll Henry Jowles make answer in writing what he has to say in defence of himself for taking away the Broad Seal of the Province out of Town with him contrary to an Ord^r of Councill and for carrying away the Originall Laws made last Sessions of Assembly, contrary to his Excell Orders; and that he produce such his defence to the Councill next Meeting, and how he came to leave a spare Broad Seal with Stephen Blatchford to put to a Copy of the aforementioned Laws, the which s^d Seal his Ex^{ncy} now burnt. p. 263

Coll Hen: Jowles Lre read & Ord^r thereon. Produced & Read a Letter from the hono^{ble} Coll Henry Jowles vnto his Excell sent & directed, setting forth the cause of his absence, Viz^t his present Whitehall

Lib. H. D. indisposition of body; therefore humbly prayed, that one of his Ma^{ty} hono^{ble} Councill might be appointed to sit in Chancery Causes, this Court, in his stead; Ordered that the s^d Matter be Referred to M^r Attorney & Sollicito^r Gen^l for them to make Report whether the same may be legally done.

ffeb^{ry} the 28th 1695/6.

The Council again Sate & were present as before.

Lievtent
Coll Ridgelys
pet & Ord^r The petition of Lievtent^r Colonel Henry Ridgely being yesterday presented at this Board, therein praying his Quietus, to be dismissed from serving as a Magistrate in the County by Reason of his being in years & having lately Received a fall from his horse, whereby he is disabled of the vse of his right Arm renders him vncapable to make vse of his pen, besides the great disquietude which by business is created to him. The said petition was by Ord^r indorsed thus, Viz^t

By his Ex^{ncy} the Govern^r & Council &c^a

ffeb^{ry} the 27th 1695/6

p. 265 Ordered that the within Petition be Referred to the Commissioners of Ann Arrundell County Court, by whom if nothing be objected, then his Ex^{ncy} will consider of giving the petitioner his quietus thereon.

John Hall of
Bal Co: Or-
dered to pay
to the Ves-
try's the 40
p poll John Hall late Sherriff of Baltemore County, appearing here, pursuant to Summons, and being demanded by his Ex^{ncy} why he neglected to Collect the 40^{lb} tob^o p poll in the year 1693. And a Copy of the s^d County Leavy of that year being produced, was found that the Tythables that year were 482 persons, which at 40^{lb} tob^o p poll with deduction of 5 p Cent Sallary according to the Act amounts to 18216^{lbs} of Tob^o Ordered therevpon that the s^d John Hall take care to collect the said Tobacco this year & answer & pay the same to the Vestrymen of the severall parishes of the s^d County by them to be made vse of according to the directions of the said Act.

John Halls
information
&c^a Referred The said John Hall p'senting an information to this Board touching some irregularities transacted within that County, was Referred to M^r Attorney & Sollicito^r Gen^l for their cognizance &c^a

Coll Roboth- Vpon reading a Letter from the hono^{ble} Coll Lib. H. D.
ams Lre
touching George Robotham of the 19th of febr^{ry} instant, to his
Land laid Ex^{ncy} sent & directed, touching the Runing out of
out at the the Land at Williamstadt, pursuant to the Ordinance
port of Wil- of Assembly setting forth that the Land formerly
liamstadt & surveyed, contained 225 Acres for the Town & Com-
Ord^r for mon of Williamstadt; and that the last Order doth
proclamation thereon. say 200 Acres; so that they have laid out 200 Acres, as also
marked where the 225 Acres ended; therefore desired to
know, which of the two should stand for good. That the price
of the Lots (the Value of the Common included) is 310^{lbs} of
Tob^o p Lot, and that severall persons laying Claime to the
Land, so laid out, the takers vp thereof are at a stand whom
to pay, therefore desire his Ex^{ncy} would be pleased to Ord^r a
proclamation to issue, to be proclaimed at Williamstadt: that
all persons that have any Title to the s^d Town or Common of p. 266
Williamstadt afores^d that they may be compelled to make their
Clame & proceed to prove their Title within such a space of
time to be appointed; Wherevpon his Ex^{ncy} was pleased to
say, that as to the first, he should leave it to the determination
of the Assembly, and as to the last did by advice in Councill
Order, as it is hereby Ordered that Proclamation be prepared
& issue accordingly to the said effect forthwith.

March the 2^d 1695.

Produced a proclamation drawn vp to the intent afores^d the
w^{ch} being Read, was approved off & signed by his Excellency
& passed the Broad Seal of the province, and Runs in these
following Words, Viz^t

By his Ex^{ncy} the Cap^t Generall &c^t

A

Maryland ss: Proclamation

Proclamation touching Land laid out at Wil-
liamstadt Whereas by Virtue of a late Ordinance of Assem-
bly there has been Surveyed & laid out at the Port
of Williamstadt, Two hundred twenty ffive Acres of
Land for a Town, as also Two hundred Acres of
Land more, for the Town Common, both which parcels or
Dividents of Land have been likewise Viewed & Valued by a
Jury of the Neighbourhood whereby each Lot is found to
amount to the sume of Three hundred & ten pounds of Tob^o
payable to the Owner thereof, by the party taking vp the same
by Law; But forasmuch as it hath been Represented vnto me,
how that severall persons lay Clame to the said Land, so that
the takers vp of the Lots are put to a stand to whom to pay

Lib. H. D. the aforementioned Tobacco due for taking vp the same: I have therefore (by advice in Council) thought fit to publish & make known and I do hereby accordingly proclame & Ord^r that all persons laying any Clame to any part or parcell of the aforementioned Land so as afores^d laid out & Valued that they forthwith proceed to ascertain their Title by a due course of Law, so that the takers vp may know to whom they ought to pay the purchase Tobacco; And to the end due notice hereof may be given, I do hereby Command the Sheriff of Talbot County to make proclamation hereof within the port & Town of Williamstadt afores^d and in all Churches & places
 p. 267 of publick Meeting therevnto adjacent to which all persons concern'd are to yield due obedience at their perill; Given vnder the Broad Seal of the provence this second day of March, in the Eighth year of the Reign of our Sovereign Lord King William the third &c^o Annoq Domini, 1695/6

God Save the King ffr. Nicholson

Ord^r for
 prosecution
 of the Ves-
 trymen of St
 Pauls parish
 in Talbot
 County

Vpon reading the Return of the Vestrymen of St Pauls parish in Talbot County, wherein was exprest a certain Article of 5 p Cent allowed to M^r Wright (one of the s^d Vestrymen) for collection of 10000^{lbs} of Tob^o being referred to M^r Attorney & Solicito^r Gen^l for them to make Report whether the s^d Allowance was legall or not, did Report that the same was illegall & against Law; Ordered that they make prosecution thereon ag^t the s^d Vestrymen accordingly.

Feb^r the 28th 1695/6

M^r Attorney & Sollicito^r Gen^l Report vpon the Ord^r of Reference yesterday made to them from this Board touching the Chancery business, being here produced & read was approved off; who being of Opinion that a new Commission must necessarily issue; Ordered therevpon that a new
 Whitehall Chancery Commission issue forth of the Secretaries Office accordingly, with a clause therein, to set forth the occasion thereof, Viz^t the present indisposition of the hono^{ble} Coll Henry Jowles (if that Clause can be inserted according to Law) and that the hono^{ble} Coll Nicholas Greenberry & the two former Commission^{rs} be inserted in the s^d Commission for this terme, pretty much Business being now depending in the s^d Court.

March the 6th 1695/6

Commis-
 sioners in
 Chancery
 Sworn &c^a

The hono^{ble} Coll Nicholas Greenberry, Kenelm Cheseldyn Esq^r & Maj^r Edward Dorsey had severally administred vnto them the Oaths appointed by

Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy as also the Oath of Commissioner for keeping the Broad Seal &c^a & subscribed to the Test before his Excell in p'sence of the hono^{ble} Coll Charles Hutchins & James ffrisby Esq^r the other Gentlemen of the Councill being gone out of Town, and the Court of Chancery being of necessity to sit to Morrow, by reason of several persons attending thereon; therefore the s^d Commissioners were now sworn as above, and a Commission for the same signed by his Ex^{ncy} & passed the Broad Seal was delivered to them at the Board accordingly.

Lib. H. D.
Whitehall
p. 264

ffeb^{ry} the 29th 1695/6.

The Councill again Sate & were p'sent as before.

Summons for Priest Hall Ordered. Ordered that the Sherriff of S^t Maries County Summons M^r Hall, the priest living at S^t Inegoos in the s^d County that (all excuses set a part) he be & appear before his Ex^{ncy} the Govern^r & Councill, at the port of Annapolis the last day of April next to Answer &c^a and make known by what Authority or power he joyned together in the holy state of Matrimony M^r William Bladen & M^{rs} Ann Vansweringhen of S^t Maries County aforesaid.

Mr Robt
Smith Rep-
resentation
touching
Talbot
County
Justices

The hono^{ble} Robert Smith Esq^r Chief Justice of the Provinciaall Court came before his Excellency in Councill & Certifyed that S^t Thomas Laurence Baronet Secretary left in his custody (before he went out of the Country) a Commission constituting M^r Thomas Laurence his Son, Clerk of Talbot County Court, and that he tendered the same to the Justices in Court sitting, who made answer they had appointed one before & therefore would take no notice of any other Commission; And further acquaints his Excellency that the said Justices had in Court also lately denyed the admission of a Writ of Error & superseas there brought before them;

Whitehall

p. 268

Justices of
Talbot
County Or-
dered to be
prosecuted
& a new
Commission
to issue &c^a

Ordered therevpon as it is hereby Ordered that M^r Attorney & Sollicito^r Gen^l make due prosecution against the said Justices for such their contempt shew'd to the Kings Authority & for presuming to make a Clerk without any power for so doing; And further that the said Esq^r Smith present a List of some other persons capable of being Commissioners for the said County in the room & stead of the others who sate in Court upon those matters.

Lib. H. D.

Feb^y the 29th 1695/6

Clk of the Indictm^{ts} of St Maries & Cal Co: Courts sworn
 Came M^r Samuell Watkins Clerk of the Indictm^{ts} of S^t Maries & Calvert County Courts and tooke the vsuall Oath for the same accordingly
 Whitehall

St Pauls Parish Vestry of Tal Co: Ret & Ord^r therein
 A Return of the Vestrymen of S^t Pauls Parish in Talbot County being presented at this Board, wherein was set forth an Account of this years disbursem^{ts} as follows, Viz^t

To 606 Taxables in the parish at 40 ^{lb} ^{tobo} p poll is }	24240 ^{lb tobo}
Disbursements Viz ^t	
To Thomas Beckles Clerk	2000
To the Workeman for covering the Church	2800
To the Sherriffs Salary at 5 p Cent	1210
	6010
Remaining	18230
	24240

Ordered that the remaining part, amounting to the Sum^e of 18230^{lbs} of Tobacco be by the Sherriff of the said County paid vnto the Reverend M^r John Lillingston Minister of the s^d parish, pursuant to the directions of the Act of Assembly of this province in that case and to no other person whatsoever, notwithstanding any former Ord^r or directions of the s^d Vestry to the contrary; provided the said M^r Lillingston perform the worke according to promise.

March the 2^d 1695/6The Councill again Sate & were p^rsent as before.

John Tench Navigation Bond for the Ship Expectation Or-
 dered to be prosecuted
 Whitehall
 His Ex^{ncy} producing to the Board a Letter from the Commission^{rs} of his Ma^{ty} Customs of the 10th of June past to his Ex^{ncy} sent & directed, setting forth that M^r Patrick Mein Surveyo^r Gen^l at Jamaica had by Letter of the 25th of March past informed them concerning a ship called the Expectation, John Tench Master from Maryland, that he had discharged at Carosoa Sixty hogsheads of Tobacco, and that Jackson the Owner dyed there being an inhabitant of Talbot County within the District of Petuxant, desiring that Ord^r might be given for putting the Bond (taken for the s^d ship) in strict prosecution. Afterwards produced the said Bond signed by John Tench, Master of the s^d ship & William Sharpe the security; Wherevpon his Excellency was pleased to declare that he had formerly given Ord^r

for prosecuting the said Bond, and now seeing the breach of the same by the Letter afores^d does more effectually appear; Ordered therevpon that a strict & speedy prosecution be (by M^r Attorney & Solicito^r Gen^l) made of the aforegoing Bond, and that the s^d Bond & Letter be delivered to them accordingly. Lib. H. D.

Ord^r touch-
Capt
Meech's
Sloop &
Goods &c^a

Vpon advice by severall Letters from Somerset County rec^d which by his Ex^{ty} were here produced & read concerning Cap^t Thomas Meech Commander of the Sloop Speedwell, being a person employed in his Ma^{ty} Service to keepe cruising &c^a how that the said Meech had been missing from his said Sloop for these severall Weekes past, therefore supposed to be drowned, which gave occasion to severall persons to go on Board, where they found one Man dead and another man almost dead, with severall Goods in her, whereof a List was here also produced; Wherevpon Levin Denwood of the afores^d County came & appeared at the Board, who being asked thereabout does say that he is one of the persons who helpt to secure her, and that she now lyes in a Creeke just before his dore, and that he takes care to keepe a person constantly on Board every Night to looke after what is in her. Whitehall
p. 272

His Excell demands to know of the Board what is to be done therein, saying that the said Meech was indebted to his Majesty in a considerable Sum^e in Virginia by a Judgm^t recovered against him there, to the Value of three or four hundred pounds st^rl as also owed for some powder lent him in this province; Ordered therevpon that the said Letters & papers be Referred to M^r Attorney & Sollicito^r Gen^l for them to advize & make Report what proper methods are best to be taken, who (pursuant thereto) do advize th^t (for security of his Ma^{ty} Debt due from the said Meech) the s^d Sloop & Goods may be Valued & Sold & the Account thereof returned into the Commissary Gen^{ls} Office, there to be Registred vntill Administration shall be Granted to some person or persons in trust for the vse of his Majesty; Ordered therevpon as it is hereby Ordered, that the hono^{ble} Coll David Brown George Layfield Esq^r & Maj^r Robert King do (vpon sight hereof) go & inspect, View & Value the aforementioned Sloop and Goods (except two Brass & two iron guns, a Blunderbuss & an Ancient, laid Claim to by Thomas Tench Esq^r as Goods lent to the s^d Meech) and after Appraisem^t thereof made that they make Sale of the same to the best advantage for his Ma^{ty} vse, And that they return a Copy of their proceedings into the Commissary Gen^{ls} Office with all speed; it being considered that a present Sale of the said Sloop & Goods vpon the place Whitehall

Lib. H. D. there, may redound more to the benefit of the Estate, which would otherwise be chargeable to remove to this side; besides the same perhaps now lyes in a perishable condition.

March the 3^d 1695/6

Mr Mason & Mr Clarke
Ordered to take the
aforesd
Admrcon &ca
p. 273
Whitehall

Vpon further Representation, Ordered, that the hono^{ble} Robert Mason Esq^r & M^r Philip Clarke take care to inquire into, looke after & Collect what Goods, Tobacco or Debts whatsoever (properly belonging to Cap^t Thomas Meech) they can find or discover to remain lye lodged or be due to him within S^t Maries County or any other place; a true Inventory whereof they are to make, and the same (when got together to some convenient place) they are to produce vnto M^r William Asqueth & M^r Thomas Beal of S^t Maries County afores^d who are hereby Empowred to Appraise & Value all such Goods & Tobacco as shall be produced vnto them, and after Appraisem^t thereof made, as well the aforesaid Robert Mason Esq^r and M^r Philip Clarke as William Asqueth & Thomas Beal afores^d are to dispose & make sale of the same to the best advantage (for his Ma^y vse) for & toward satisfying a Debt due from the said Meech to his Ma^y And that they return a true Copy of all their proceedings into the Commissary Gen^ls Office with all convenient speed, there to be lodged for satisfaction of the Credito^r And it is hereby further Ordered that the hono^{ble} Kenelm Cheseldyn Esq^r Comissary Gen^l do administer a proper Oath to the said Appraisers, And that he Grant Administration vpon the s^d Estate, to M^r Robert Mason & M^r Philip Clarke to the Uses aforesaid.

Esq^r Tench's
Motion &
Ordr for
Guns &ca on
Board Cap^t
Meech's
Sloop.

Vpon Motion made by Thomas Tench Esq^r that the Guns and Antient in Cap^t Meech's Sloop were by him lent vnto the s^d Meech, and that they will be wanted in the new Vessell, belonging to M^r Davy, now bound for England; saying that the Guns lent were two third iron guns & two third brass guns together with a Muskatoon, which he desires may be left out of the Appraisem^t of the other Goods, and that they may be brought & put on shore at M^r Philip Clarkes, at Piney Point, for the aforementioned Vessell to take in; Ordered that the Motion of the s^d Esq^r Tench be granted accordingly.

Coll Green-
berry Or-
der'd to lend
Mr Tench
50lbs of pow-
der &ca

Ordered that the hono^{ble} Coll Nicholas Greenberry lend vnto Thomas Tench Esq^r fifty pounds of powder out of what powder lyes at present lodged with him, and that he take Esq^r Tench's Receipt & Engagem^t to return the same quantity in kind, by the first opportunity out of England.

Produced by the hono^{ble} Coll Nicholas Greenberry a Certifi-
cate from vnder the hands & Seals of Office of the Collector,
p Customer & p Comptroler of the Port of Cowes, bearing
Date the 10th day of June, A^o 1684, in discharge of John
Thurbers Bond &c^a for whom the s^d Coll Greenberry being
security, and the s^d Bond is not at present to be found, does
therefore humbly Move that the s^d Certificate may be Entred
in the Councill Book & provincially Office, the w^{ch} was accord-
ingly Ordered; The s^d Certificate follows in these words, Viz^t
Port of Cowes,

Lib. H. D.
p. 274

John Thur-
bers Cert.
for dis-
charge of
Navigation
Bond

Know Yee that John Thurber Commander of the
ship Phillip of New York from Maryland his Ma^{ties}
plantation in America hath duly Entred in this port
the 31th of May last & the sixth instant June, and
put on Land Two hundred & ffifty hogsheads and a [Seal]
parcell in Bulke Maryland Tobacco; being all the Goods &
Merchandize taken in at his Majesties said plantation in
America, and which hath here paid his Ma^{ty} subsidy and Addi- [Seal]
tionall Duty in discharge of his Bond this Voyage taken by
the Chief Officers at the Port of Petuxant in Maryland afores^d
as p Certificate thence Dated the Eighth of Aprill last, vnder
the hand & Seal of Henry Lowe Collector Witness our hands
& Seals of Office this tenth of June, 1684. Anno RR^o Carl
Scdj &c^a xxxvj.

Tho: Cole Coll
W Bowles
p Compt^r

Tho: Moore p Cust^r

Mr Richd
Smiths
Accot of
Arms dd to
Coll Beale
vpon Sur-
render of
Mattapany
& Ord^r
therein

Came Cap^t Richard Smith of Calvert County who
acquainted his Excell & the Board that he was come
to give an Acco^t of what Arms the Soldiers vnder
his Command delivered in his presence vnto Coll
Ninian Beale, at Mattapany house, vpon the sur-
render of that Garrison (in the time of the Revolu-
tion) to his Majesty Viz^t 20 fflowling pieces &
Muskets & one Carbine, being Arms belonging to private
persons, saying that in pursuance of a former Ord^r from this
Board, commanding all private Arms that were taken away in
the time of the Revolution should be restored to the Owners
of the same, he had demanded the aforementioned Arms of
Coll Beale in right of himself & the other persons owning the
same, but the said Coll Beale told him how that he had deliv-
ered the said Arms to Maj^r Cambell by Ord^r of the persons
then taking care of the Governm^t Ordered that the said Cap^t
Richard Smith do again apply himself to the said Coll Beale
for the aforementioned Arms, and if the said Coll Beale can

p. 275

Lib. H. D. produce no Receipt for the same by which they may be demanded, that then the s^d Coll Beale make it his Business to have them forth coming & delivered to the Owners pursuant to former Ord^r

Coll Casparus Augustin Herman making complaint to this Board how that by stress of the late bad weather he was unfortunately cast away at the Clifts loosing most of his Goods which were therein, not so much by the Wreck as by the evill Actions of severall persons, who (taking opportunity over his misfortunes) despoyled him of the greatest part thereof, especially the Liquours he had then on Board; Ordered that the s^d Matter be Referred to the hono^{ble} Nicholas Greenberry Esq^r Judge of the Admiralty to make proceedings therein according to Law.

Matthias Mattison & Leonard Camperson persons Naturalized Sworn &c
Ab. Ambrose sen^r & jun^r Test; as also Abraham Ambrose sen^r & Abraham Ambrose jun^r

March the 3^d 1695/6.

Whitehall The Councill again Sate & were p^rsent as before, with the Addition of the hono^{ble} Coll Charles Hutchins & Thomas Brooke Esq^r

Whitehall Produced & Read a Letter received from his Ex^{cy} the Govern^r of New York of the 19th of febr^y past to his Ex^{cy} the Govern^r of this province sent & directed.

Then was Read two former Letters Received by his Ex^{cy} from that Governm^t with his Ex^{acies} Answer thereto, since the p. 276 last Councill sitting which was approved off & Ordered to be Entred in the Journall of the Councill among the other Letters; and that Answer be given to the last received Letter; concerning further assistance, which was done accordingly, and Read & approved off in Councill and Ordered to be Entred also with the others: The said severall Letters, papers & Answers are as follows, Viz^t

New York the 5th of October, 1695.

Govern^r of Sr
New York's Lie to his
Ex^{cy} I Received your Ex^{acies} by M^r Perry with the Bill of Exchange for £133: 8^s: 7^d: sterling and have Ordered the Collector to Return the Money and Enter it in

his Books, that it may be applyed as designed to alleviate the charge of the province so farr as it will go. Lib. H. D.

By our scituation We are a ffrontier to the ffrench of Canida and their Indians being in open Warr frequent incursions are made on both sides, Count ffrontiniack keeps 500 Men constantly at Mount Royall their next considerable ffort to Us and has this summer put ffifty Men and a years Provision into Cadaracqui a Regular ffort of stone & lime opposite to the middlemost Nation of our Indians from which ffort he galls & harasses them so that they crye aloud to me for assistance to beat them from thence which I not being able to give doubt the discouragem^t may force them to a peace with Canida, then it will appear they are nearer to Virginia & Maryland than to New York. I am informed your settlements are scattered. This defection if it should happen will be of ill consequence I doubt both to Virginia & Maryland. I have been lately at Albany and given the Indians a large present of Arms, Amunition & Cloathing, but farr short of what is wanting for their Encouragem^t This Cadaracqui diverts them from hunting so their whole dependance is vpon Us. I shall not be wanting in my Duty. By the way of New-found Land We hear Admirall Russell has taken ffifteen ffrench Men of warr and done a great deale of Damage to Marselles, I am

Yo^r Ex^{ncies} humble Servant Maryland
Ben: ffletcher

Answer to the above Letter is as follows, Viz^t

Port of Annapolis, Novemb^r 29th 1695.

His Excell S^r

Answer to
the Govern^r
of New
Yorks L^{re}

I have the favour of your Excell of October the 5th and am very glad to hear of Admirall Russells good success ag^t the ffrench and hope in God We shall hear more good News from England; but We have had no Vessell from thence this ffall, neither do I hear of any come into Virginia. p 277

I am not in the least conscious to my self that I have been any ways wanting in my duty to his most sacred Majesty according to the vtmost of my power, in assisting your Excell pursuant to her late Ma^{ty} Royall Commands, but I cannot force Assemblies more than others, but it was the only reall quarrell I had with them about assisting your Excell Governm^t of New-York; neither dare I go so farr as apparently to hazard the peace & quiet of this his Ma^{ty} province. Whitehall

I am very sorry that your Excell had not enough to give your Indians at Albany for their Encouragem^t and that the ffrench at Cadaracqui divert your Indians from hunting and

Lib. H. D. that the ffort there galls & harasses them, and that your Excell is not able to give your Indians assistance to beat the ffrench from thence; But M^r Tasker who waited on your Ex^{ncy} lately from this Governm^t did by your Order bring vs a Copy of his Excell the Govern^r of Virginia's Letter to your Excell concerning sending their Quota of Men to Albany to be there by the ffirst of May next, so then your Excell will be 240 men stronger.

I design (God willing) that our Assembly shall meet in the Spring, for there is no doing of it in the Winter, in this Countrey, and then I shall lay before them your Ex^{ncies} Letter in the mean time hope that our three hundred & odd pounds may be some ways vsefull to his Ma^{ty} service in your Ex^{ncies} Governm^t And I hope my very good friends William Nichols & Chidley Brook Esq^{rs} whom I hear your Ex^{ncy} hath sent to England will be able to do his Majesty good service, which to hear of will be very acceptable to

Yo' Excell most humble Servant

Govern^r ffletcher.

ffr: Nicholson

S^r

Govern^r of New Yorks Letter to his Excell I have received yours of the 29th of November but have no further Acco^t of Admirall Russells Action at Marselles than the Report from New-found Land, which yet wants confirmation, I am big with expectation of the good success of his Ma^{ty} forces both by Sea & Land
p. 278 this last year and do always pray & wish that he may be successfull against his Enemies and the Enemies of our Religion & Nation.

Whitehall His Majesties Councill of this province are no less sensible of your Endeavours to strengthen Vs than I am and the 300 & odd pounds transmitted to Us from Maryland vnder your care is Received with thanks & applyed to the proper vse and a fair Representation thereof made to the Lords of the Committee. M^r Brooks & M^r Nicholls sent from hence have Instructions to make a fair & true Representation of the circumstances his Ma^{ty} Subjects of this province are vnder in relation to our present Warr with the ffrench of Canida & the assistance We have from the adjacent Colonies which I hope may be of good Effect, not only to Us but to our Neighbours.

As to the Quota of Men from Virginia, I cannot depend vpon them, S^r Edmund Andros having the same Reason from his part as you from yours that he dare not go so farr as to hazard the peace & quiet of that his Ma^{ty} province.

The Copy of S^r Edmunds Letter was desired by M^r Tasker & sent at his instance, not a particular Ord^r of my own.

That the ffrench are endeavouring to debauch our Indians is apparent, it is their intrest and I am doubtfull by their

repossession of this ffort of Cadaracqui they will force or fright them into a compliance (I am of oppinion it is absolutely necessary for his Ma^{ty} service to support the ffive Nations of Indians) the service they perform against the ffrench cannot be easily done by Christian forces without a charge greater than the Province can bear the Revenue whereof being exhausted by the dayly charge of the Warr and notwithstanding an Additional Duty raised for payment of the Debts of this Governm^t the Emergencies that happen dayly are so great that all is expended and the province some thousand pounds indebted and this I cannot avoid vnless I have some assistance of Men or Money. Lib. H. D.

I see the sad experience of an Indian Warr in New England at this day where notwithstanding the English are very numerous have many Towns and the Enemy (as is said) not above 300 yet these Infidels gain dayly vpon them. p. 279

I dont question your Excell^{ty} Zeal for his Ma^{ty} service & the publick good and hope by your influence the next Assembly of your province may be induced to a consideration of their Neighbours hardships and the ill consequences of a ffrench power growing & incroaching vpon his Ma^{ty} Subjects, not only of New-York, but of all the rest of his Ma^{ty} Territories & Dominions of this Main of America.

I send inclosed the Copies of the last intelligence I had from New-England When any News comes to me it shall be communicated to yo^r Excell by

Yo^r most humble Servant
Ben: ffletcher

The Intelligence from New-England follows, Viz^t

Copy

Intelligence S^r
from New-
England

In my last I gave you an Acco^t of the Arrivall of a Vessell from Canida, which was dispatched from hence to fetch home our prisoners there, and also sent you a Copy of Count ffrontiniacks Letter directed to my self received by the said Vessell, since which M^r Mathew Carey, who was employed vpon that occasion has delivered a further information in Writing vnder his hand of some things which occurred whils^t he was at Quebeck, of considerable import, a Copy whereof I here inclose for your Ex^{ncies} satisfaction & advisem^t what improvem^t may be made thereof I have at present kept it private here, its only with my self & the Secretary; he had the Account thereof from severall Officers there, principally from the person whose name & quality is mentioned in the Marjant of the said Information, he also told him that he was Whitehall

Lib. H. D. determined to get to England & to wait vpon his Ma^{ty} and give him a full Acco^t of the State of that Countrey & the disposition of the people there, herewith is also transmitted a List of severall prisoners belonging to your province, in the hands of the ffrench, besides some that are with the Indians, I am

Yo^r Excell affectionate ffriend
& very humble Servant
W^m Stoughton

Boston, Novembe^r 25th 1695
A true Copy
David Jamison
C of Concil.

p. 280

Monst De
Laragterie
Capt of
Marine
Detachmt

To his Excellency Benjamin ffletcher &c^a

The information of Mathew Carey received from severall ffrench Protestant Officers & Soldiers at Quebeck

Copy first of the great oppression they now lye vnder, counting themselves more as slaves than Christian Subjects, Reasons for which is.

That all Officers through the ffrench Kings necessity are Ordered a stop to the halfe part of their yearly Sallary towards the maintenance of the Warr.

Whitehall

The poor Soldiers so imposed on that their Wages is so stopt towards the paym^t of their Cloaths, has not remaining more than a penny p day which with the scarcity of provision & other necessities compells them to live in miserable poverty besides the great severity & oppression of an Arbitrary Govern^r who compells them at all Seasons, without respect to quality, Age or youth to sacrificize their lives to the Rage of the cruell and merciless heathen, which (if they escape) often perish by hunger & cold. These with a great desire of the protestant Liberty does create in them an earnest desire to be vnder the English protection. To Effect which they have proposed these following methods. As New-York being the most nigh, and the way they are most acquainted with thither, they would daily desert, had they a sure protection from the Maquass Cruelty, who have already murdered severall in making their escape to Us; so that it might be very necessary for the Govern^r of New-York & Albany to forbid the same & rather encourage & cherish all those not coming in a hostile manner part of these disaffected soldiers & Officers are now Garrisoned at the ffort of Cadaracqui, which secretly sent me intelligence that if the Govern^r of New-York would Ord^r a party of Men to Attack them, and before an Assault, made to send a summons for the surrender with promise of fair quarter & Christian like Usage they may expect it to be delivered without blood shed, wherein may be found good store of

Arms, Amunition & provision laid there for the retreat & recruit of their Army of ffifteen hundred Men, designed in January next to invade Albany; five hundred of which is intended to beset the Maquass, whilst the other part lyes par- due, expecting ffort Albany will be weakened & neglected by soldiers being drawn forth to the Maquass assistance at which time they design with the thousand to assault it. Moreover being credibly informed of the great desire the Ottawa Indians have to be at peace with the English & Maquass of Albany they being a stout numerous & Warlike Nation, whose number, courage & trade the ffrench dreads the loss off Severall of the Chief in request among them have earnestly intreated some of our English Captives to the ffrench to advertize the same to the Governo^r of New-York and that if he will send his Maquass with terms of peace they will readily Agree to it, many of them not only so, but will joyne in a body of a thousand with the English & Maquass of Albany to invade any part of Canida, and likewise bring all their great Trade of peltry to Us, being much more near to them than Canida, all which will prove of very great loss & disadvantage to the Enemy.

Lib. H. D.

p. 281

Mat: Carey

A true Copy Examined p

Novemb^r 25th 1695

Isa: Addington Sec^y

His Ex^{cellen} Answer to Govern^r ffletchers Letter follows, Viz^t

Port of Annapolis, ffeb^r 4th 1695/6.

Sr

His Ex^{cellen}
Answer to
the Govern^r
or New
York's
Letter

Your Excellencies Letter of Decemb^r 13th I have and am very sorry that I cannot send the confirmation of the News about Admirall Russell, but by an Acco^t which I have from London & Bristoll of the begining of November, he was safe Arrived in England with most of the ffleet, and that S^r George Rooke was gone with a Squadron to Command in the Streights. Whitehall

His Ma^{ty} (thank God) was safe Arrived, the Parliam^t was dissolved and a new one choosing.

Inclosed is a Copy of a Letter which I had from Messiers Perry & Lane and send it you all that you may see the strange alteration about Guineas, gold & silver, and Trade; and particularly what concerns ours.

I daily expect a ship from London, and I hear I have Letters in her, and suppose the Whitehall ones are there for I have had none from thence yet. p. 282

I hope M^r Brooks & M^r Nicholls are safe Arrived in England, & suppose they will make no other than a fair & true Representation of the circumstances of his Ma^{ty} province,

Lib. H. D. vnder your Excell Comānd as also of the assistance you have Received from the adjacent Colonies. As to what relates to this his Ma^{ty} province, I send home by all opportunities the whole Proceedings with the Copy's of your Ex^{ties} Letters to me and mine to you.

If you dont depend vpon the Quota of Men from Virginia, then I was misinformed, and S^r Edmund Andros is not the only Govern^r which hath comply'd with her late Ma^{ty} Royall Commands, for if he should only send your Ex^{ties} Money, then this his Majesties province hath been before hand with that of Virginia.

If your Excell please let me have an Account, how much Money hath been sent from Virginia to your Governm^t (I think in my time there I sent Two hundred & odd pounds) I will lay it before our Assembly, which I design (God willing) shall meet this Spring; but cannot fixe the time till it please God I hear from Whitehall; for We expect our London fleet within a Month. I am very sorry to hear that your Province is in Debt, but We are their brethren in the same calamity; But I hope that the farther good success of his Ma^{ty} forces by Land & Sea will cause a good Trade & so bring vs out of those vnhappy circumstances. I am obliged to your Excell for sending me the intelligence that you had from the Govern^r of New England, and I had dispatched Perry sooner to you, but We have had lately a great snow. When I have any later News from England and I find that your Excell hath it not, it shall be sent your Excell by him who is.

Yo^r most humble Servant
ffr: Nicholson

Govern^r ffletcher

Perry is to give your
Excell the printed News }

Copy of his Ex^{ties} the Govern^r of New-Yorks Letter read in Councill the 3^d day of March, A^o 1695/6, Viz^t

Govern^r of
New York's
Lre to his
Excell. Sr.

New York 19th ffeb^{ry} 1695/6

p. 283

Your Excell^a by M^r Perry ffeb^{ry} the 4th came to hand for which and your inclosed News, I return thanks, a Briganteen from Bristoll seaven Weeks passage brought all those publick papers I must acknowledge the Money rec^d from your province it is farr short of the charge of 160 Men (the Quota of your province assigned by her late Ma^{ty}) w^{ch} at 12^d a day (Men cannot be had for less in this Countrey) with their proper officers, transportation & incidents will amount to 4000^{lb} p Annum.

Whitehall

The Bills drawn by Coll Copley for £: 362 : 8 : being pro- Lib. H. D.
tested were not only a disappointm^t but a Charge to this
province. There is reason & Argum^t enough for supporting
the Indians of the ffive Nations from the conveniency & safety
they bring to Us and the neighbouring provinces if it were
decent to offer any after the Royall Command; It costs this
Province in presents & the Charge of treating & Cajolling
these Indians at least 2000^{lbs} p Annum besides the constant
Charges of the Garrisons, I have advice of Seaven hundred
ffrench come to Canida last fall with Seaventeen Saile of Ships
and Stores. Count ffrontiniack is now again busy to debauch
our Indians.

I have met with many disappointm^t from the Neighbouring
Provinces yet must not suffer the ffrontiers to be neglected. I
have done and shall not Cease to do all I can with so small a
handfull of Men & less Money. This province lyes vnder
heavier Burthens than this paper can express I must confess
it is vtterly impossible for me to put the ffrontiers in such
security as I desire & they ought to be without help. There-
fore I further apply myself to yo^r Excell for assistance, accord-
ing to her late Ma^{ty} Letter, I do not question but that you may
influence the next Assembly to a further consideration of the
heavy Burthens that lye vpon this province and the great
necessity of granting a suitable assistance & am S^r.

Yo^r Excell^t humble Serv^t

Ben: ffletcher

Answer to the s^d Letters follows, Viz^t

p. 284

Port of Annapolis, March the 3^d 1695/6

His Excell^{ty} S^r
Answer to
Govern^r of
New Yorks
Letter

Yours of the 19th of ffeb^ry past I received, the
which I have communicated to his Ma^{ty} hono^{ble} Coun-
cill together with your Ex^{ncies} former Letter of the
13th of December & my answer thereto of the 4th of ffeb^ry past
Having not Received his Ma^{ty} Royall Commands from Eng-
land by reason none of the ffleet is yet come in our Assembly
is not to meet till the last of Aprill, but then God willing your
Excell^t Letters shall be communicated to the House of Bur-
gesses, and I shall not be wanting according to my Duty to
have her late Ma^{ty} Royall Commands complied with. Your
Excell not letting of me know, according to my former desire
how much Money hath been sent to your Governm^t from that
of Virginia I fear may be a hindrance of not having any thing
more done about the late Govern^r Copleys three hundred &
odd pounds. I am very sorry to hear that the Govern^r of
Canida is still endeavouring to debauch your Indians, But I

Whitehall

Lib. H. D. hope in God his Majesty this year will by his inimitable Valour & Conduct, bring the French so low, that they will not be able to send any more Assistance to Canida, which to hear off will be very acceptable to Yo^r Ex^{ci^{as}} most humble Servant
Govern^r New York. ffr: Nicholson

Comission^{rs} of the port of William-
stadt Ret. approved
off & ca
Vide Min-
utes touch-
ing
Coll Robo-
thams L^{re} &
Ord^r inde
ffol 265

Read a Return of the Proceedings of the Port & Town of Williamstadt touching the laying out of the Town & Common in that place and severall Orders by the s^d Commission^{rs} made, the which were well liked and approved off and returned to them indorsed accordingly.

Mr Withers
Return
touching the
Good^l of
tobacco Order-
ed towards
the Church
at William-
stadt &
Ord^r inde

p. 285 Vpon the Return made by M^r Samuell Withers late Sherriff of Talbot County of a certain Ordinance of Assembly directing him to reseive & keepe in his hands what Tobacco of the 40th tobacco p poll that was not Collected & paid to the Vestrymen of the said County, Anno 1693 should be Reserved & kept towards the building of a Church at Williamstadt, the said Withers made Return thereon that he shewed the said Ordinance to the Vestrymen of S^t Michaelles Parish, notwithstanding which they Ordered M^r Goldesborough Attorney at Law to bring their Action against him, who did accordingly and got Judgment. Vpon a Return also of the said Withers made vpon an Ord^r of the 21th of November last from his Ex^{ncy} sent, thereby commanding him to still keepe in his hands six thousand pounds of Tobacco by him Leavyed within the parish of S^t Michaelles, notwithstanding an Ord^r of the House of Burgesses to the contrary the said Order never having passed his Ex^{ncy} nor Councils Assent whereby to suspend or take off the former Ordinance; to which the said Withers did Return that the said Tobacco he had still in his hands and shew'd the said Order as well to the Commissioners of Talbot County in Court sitting as to the Vestrymen of S^t Michaelles parish, who tooke no Notice thereof, but insisted vpon executing him for the same; therefore prayed that a stop might be put thereto and some further Ord^r given what to do with the Tobacco; Ordered therevpon as it is hereby Ordered that the said matter be Referred to M^r Attorney & Sollicito^r Gen^l for them to direct & advize which way the s^d Execution may be stopt, and that they take care forthwith to prosecute as well the

Commissioners as Vestrymen afores^d for contemning the afore- Lib. H. D.
mentioned Ord^r & Ordinance; and that Samuell Withers pay
vnto the hono^{ble} Coll George Robotham, one of the Commis-
sion^{rs} of the Port of Williamstadt the aforementioned Sum^e of
Six thousand p^{ds} of Tobacco and that the said Coll Robotham
take care to sell & dispose of the same to the best advantage,
either for Bills of Exchange or ready Goods, the which is to
be appropriated towards the building a Church at Williamstadt,
pursuant to the aforementioned Ordinance of Assembly.

Hugh Wrights pet. touching Timothy Neals Es- cape & Ordr for prose- cution inde Vpon a petition of Hugh Wright of Ann Arrundell County presented at this Board, setting forth the Escape of one Timothy Neal, a prisoner Committed to his custody charging one Gad, Collyer & ffenyer, persons whom he had pressed to his assistance to be the principall occasion thereof, through means of their disobedience shown to the Authority he then had; Ordered that the said petition together with certain Depositions taken for proof of what is above alledged be delivered to M^r Attorney & Sollicito^r Gen^l for them to make due prosecution thereon according to Law.

Read the following Return p^{rs}ented by the hono^{ble} Coll John Addison for Military & Civill Officers to be constituted & appointed in Prince Georges County by Act of Assembly lately erected, the said List is as follows, Viz' p. 286 Whitehall

Military & Civill Of- ficers p^{rs}ent- ed for Prince Georges County A List of Civill & Military Officers for Prince Georges County, Viz
M^r W^m Hatton Justice of the Provinciall Court.

Justices of the County

M^r Thomas Holliday }
M^r W^m Hutchison } Quorum
M^r W^m Barton }
M^r John White }

M^r Rob^t Bradley }
M^r W^m Taneyhill } Justices
M^r David Small }
M^r Robert Tylor }

Militia Officers

M^r Tho: Holliday Lievtent^l
Colonell
M^r W^m Barton Maj^r Whitehall
M^r John White Cap^t of ffoot
Cap^t Rich^d Brightwell Cap^t
of horse.
M^r Rob^t Wade Cap^t of horse
in Piscattoway Parish
George Athey Cap^t of ffoot
in the same.
M^r Thomas Greenfield for
Sherriff.

Lib, H. D. The same was Approved off & Ordered that the persons therein named for Justices of the said County be Commissioned accordingly, and that pursuant thereto a Commission of the peace & for Tryall of Causes issue forth of the Secretaries Office, according to the form of the other County Commissions, and that M^r William Cooper be therein constituted Clerk of the s^d Court, according to former Ord^r of this Board, and that M^r Thomas Greenfield be Commissionated Sherriff of the s^d County, who are all to Meet & sit to hold Court at Mount Calvert the 23th day of April next, being the time directed for the Act to take place, and further that power be given in the Dedimus for to administer the Oaths appointed by Act of parliam^t to be taken instead of the Oaths of Allegiance & Supremacy, as well vnto the severall Officers of the said Court admitted, as to the Justices afores^d and th^t they be all obliged to subscribe to the Test.

Whitehall Coll Addison Ordered that the hono^{ble} Coll John Addison, Chief Commander & Military Officer of Prince Georges County do Regulate, Order & appoint the severall Military Officers within the same, according to the List by him presented at this Board, and pursue & follow the severall Military Instructions to the severall Counties of the Province hence formerly issued, and make Return accordingly,

p. 287

Whitehall Ordn^r of Reference to the Attorney & Solicitor Gen^l touching the S^{ss}es of the Divided Counties Ordered that it be Referred to M^r Attorney & Solicitor Gen^l whether the Sherriffs now at p^sent Officiating & Acting in the late divided Counties can legally continue to Act in their severall places, in the Counties as (by the late Law) they stand now divided, and whether the Commissions of the peace &c^a ought not to issue, and that they make Report of their Opinion therein vnto this Board with all speed; who make the following Return Viz^t

Whitehall The Attorney & Solicitor Gen^l Report thereon. We humbly conceive that after the day in the Act of Assembly mentioned for dividing the Counties, the Sherriff of each County is not to Act beyond the limits of the County in the Act mentioned, And for prevention of inconveniency and for the better administring Justice, it would be requisite that the Commission to all Officers Judiciall & Ministeriall should be made to take Effect at that time, in the new Erected County.

Geo: Plater
W^m Dent

Ordrs & In-
structions to
the Rangers

Ordered that the Rangers by Act of Assembly Lib. H. D.
appointed to keep Ranging vpon the frontiers of
this province take care to settle themselves to
inhabite (some time this Spring) beyond all the inhabitants
plantations scituate vpon the frontiers as aforesaid, and that
they keep an exact Journall of all their proceedings & obser- Whitehall
uations made in their Ranging & return an Acco^t thereof vnto
his Excell at the Port of Annapolis, at least once a Month, if
opportunity & conveniency of conveying the same offers; And
that a new Lieuten^t from the Cap^t of each party of Rangers
be p^rsented, who may be proper to assist & Officiate pursuant
to the directions of the late Act of Assembly passed to the
said Effect, hereby requiring those Rangers (so settling them-
selves) to cohabite & live vpon the settlem^{ts} afores^d all Winter
And that the Commander of the Rangers vpon potomock do
Range to the ffalls of patapsco and those of patapsco to
Range to according as the Law directs

And further that they observe the Law made about the
Rangers, and that they make & marke severall paths & take p. 288
care to take vp all suspicious persons travelling without passes,
and that the Road which they find to be the best & nighest
Road, that they double marke the same That they make sev-
erall Cabins vp & down the Woods & Cut down a great many
trees thereabouts and make as great a show as they can of
their being there, and that they Examine what Indians they
meet with, and if they find them doing any vnlawfull Act, that
they secure them, and vpon resistance that they vse force; and
if there is absolute Necessity endeavour to kill them, but (if
not) to vse them civilly & give them all lawfull assistance. If
please God any accident should happen to them of meeting
with an Enemy, that they imēdiatly send his Ex^{cy} an Account
thereof, and that they send to one another, and to the Militia
Officers scituate next vpon the ffrontiers, hereby commanding
such Officers to Raise the Militia vnder their Command, for
their Aid & assistance which said Militia Officers are immedi-
atly to send to the Colonel of the County to give him an
Account thereof, who is hereby Ordered to Raise the whole
Militia of his County for their Aid & Assistance likewise.

Mr Ran-
dolph & Mr
Platers Re-
port vpon
Symon
Wilmores
pet & ca &
fine Re-
mitted
thereon

The Report of the hono^{ble} Edward Randolph
Esq^r Dep^y Audito^r & George Plater Esq^r his Ma^{ty}
Receiver Gen^{ls} vpon an Ord^r of Reference to them
made from this Board concerning a petition here
presented by Symon Wilmore of Kent County
therein humbly praying the remittance of a flyne of
2500^{ls} to be imposed vpon him by the Commissioners Whitehall
of Kent County in the time of the Revolution, being here
Read & considered;

Lib. H. D. Ordered that the same be Remitted according to the prayer of the Pet' and to the Report thereon made that the same comes within the Limits of his Ma^y Royall instructions for remittance.

Ord^r for
Adjournmt
of the
provl Court
& prorog-
ation of the
Assembly.
Vide fol. 289

Whitehall
p. 289

Proposall
relating to
Demurrers
Writts of
Error &
Appeals

Whitehall

Provl Court
Adjourn'd &
Assembly
prorogued

His Ex^{cy} having sent for the Justices of the provincially Court & Lawyers thereto belonging to know of them & advise what way, & method would be best for to bring the Business of all Actions &c^r there brought to be finished within the Circle or compass of a twelmonth, to the end a quick & speedy dispatch may be given to all process & proceedings there brought, especially Writts of Error, Demurrers & Appeals to be done at the least charge & trouble to the Countrey & most ease to the Justices & Lawyers, who accordingly appear, and the same being stated vnto them, his Excell Recommends that they consult & consider vpon the same against the next Assembly, to the end a Law may then pass (if occasion) for the regulating those Matters; as likewise then make answer in what nature Appeals ought to be brought, Viz' whether the whole matter of fact vpon such Appeal should be tryed a new or not. His Ex^{cy} also puts to them what will be the best time of Adjourning the Provincially Court to & holding the Assembly, who are generally of Opinion that the best & most convenient time for holding the Assembly will be the last day of Aprill, and of Adjourning the prov^l Court to the second tuesday of May next, and Ordered that the s^d Court be accordingly Adjourned to the second Teusday in May & the Assembly by proclamation further prorogued vntill the last day of Aprill, and that Proclamation issue pursuant thereto, the which accordingly issued, was signed by his Ex^{cy} & passed the Broad Seal of the province.

The said Proclamation follows in these Words, Viz'

By his Excellency the Cap^t Gen^l &c^a

A

Maryland ss: Proclamation

Proclama-
tion for
Adjournmt
of the
provl Court
& proroga-
tion of the
Assembly

Whereas the generall Assembly of this Province stands prorogued vntill the 20th day of March instant, but forasmuch as the fleet from England is not yet here Arrived, by which I expect his Ma^y Royall Commands; and there being at present (God be thanked) no pressing vrgent business for their meeting so soon, I have therefore by advice of his Ma^{ty} hono^{ble}

Councill thought fit for the Reasons afores^d to further prorogue Lib. H. D.
the said Assembly, And I do hereby proclaim & declare that I
do further Prorogue the same vntill the last day of Aprill next P. 290
by which time I expect the Arrivall of the fleet & his Ma^{ty}
Royall Commands therein; And to the end due notice hereof
may be given I do hereby Command the severall Sherriffs of
the province to make Proclamation hereof in all publick
places within their respective Counties, as also give notice as
well to the severall Members of the Councill as to the
Burgesses & Delegates within the same that (all Excuses set
apart) they then severally appear at the Port of Annapolis to do
& consent vnto such things as (by the favour of God) shall then
& there happen to be ordained: And I do hereby further Com-
mand the said Sheriffs to give notice that the next Provinciaall
Court will (God willing) be held the second Tuseday of May
following and that the Court of Chancery will sit the next
Munday after the begining of the Provinciaall Court and the
Govern^r & Councill for hearing Appeals & Writs of Error the
Wednesday after the Court of Chancery, vnto which all
persons are to give due & ready obedience as they & every
of them will answer the contrary at their perill; Given at the
port of Annapolis vnder the Broad Seal of the province this
ffourth day of March, in the Eighth year of the Reign of our
Soveraign Lord King William the third &c^a Annoq Domini
1695/6. ffr: Nicholson

God Save the King.

ffeb^{ry} the 29th 1695/6.

Then came Robert Brown before his Excell in Councill, Whitehall
who preferred the following petition, which was Read. Viz'

To his Ex^{ncy} ffancis Nicholson Esq^r Cap^t Gen^l & Govern^r
of Maryland.

The humble petition of Robert Brown.

Humbly Sheweth That heretofore there was an informa-
Robt Brownss tion exhibitted in the provinciall Court of this prov-
pet relating ince against the ship Anna Helena of Belfast,
to the ship Anna Helena Samuell Murthland Master, for breach of severall
Clauses of the Acts of Trade & Navigation, and that it hap-
pened vpon bringing the s^d Information that a speedy Tryall
could not be had, wherefore your pet^r to prevent loss of time
prayed that the s^d ship might be Appraised, and that in case
she were condemned vpon the said information he might have p. 291
her at the Appraised Value that thereby he might be Encour-
aged to Repair & refit her for a Voyage, which was accord-
ingly granted him; that pursuant therevnto the said Ship
was appraised to thirty pounds sterling, for which the pet^r

Lib H. D. gave his Bond with the condition that if the s^d ship should happen to be condemned he would pay the same for her, which was accepted off, but that the said ship was then cleared and now a new Information exhibitted against her vpon Breaches supposed to be made before the s^d Appraisem^t

Wherefore your Pet^r humbly prays that in as much as he has vpon the Encouragem^t of the Grant afores^d bestowed a great deal of time & some cost in fitting the said ship a new, that in case she be condemned vpon this new Information, he may have the benefit of purchasing her on the former appraisem^t and he will pray

Whitehall The said Petition was by Ord^r indorsed as follows, Viz^t

Feb^r the 29th 1695/6.

Vpon the reading the within petition, it being considered that the Vessell will come vpon a new Tryall, therefore will give no further Order therein till Condemnation of the same pass.

Signed p Ord^r

Hen: Denton C of Concil.

March the 4th 1695/6.

The Councill again Sate & were

p^resent,

His Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l &c^t

	Coll Nicholas Greenberry	} Thomas Brook Esq ^r }
The Hono ^{ble}	Coll Charles Hutchins	
	Coll John Addison	

Robt Browns 2^d petition, touching the condemnation of the Ship Anna Helena & Ord^r inde
 Came Robert Brown afores^d named, who by his second petition humbly set forth that the afores^d ship Anna Helena was (vpon a new Information lately brought ag^t her, vpon breaches supposed to be made before the afores^d mentioned Appraisem^t) condemned thereon; Wherefore he humbly prayed that in as much as he has vpon the Encouragement of the afores^d former Grant, bestowed a great deal of time & some cost in fitting the said ship a new, that he might have the same Grant now as before, Viz^t That he may have her at the said Appraised Value what he hath expended vpon her since, being done vpon Encouragem^t of the s^d Grant, and he
 Will pray.

The said Petition was by Ord^r indorsed as follows Viz^t By Lib. H. D.
his Ex^{ty} the Govern^r & Council &c^t Whitehall

March the 4th 1695/6.

Ordered that the within petition be Referred to his Ma^{ty} Attorney & Sollicito^r Gen^l for their advice therein, and in particular to George Plater Esq^r as his Ma^{ty} Receiver for them to make their Report thereon, and then some further Ord^r shall be given.

Signed p Ord^r
Hen: Denton C of Concil.

They Report as follows Viz^t

We humbly Certify our Opinion that since the Offence (vpon which the present condemnation is obtained) was committed before the Reparation was made, and that the Pet^r was Encouraged thereto by the Bond given as in the petition is suggested, and no new Seizure made for his Ma^{ty} that then there is no occasion for a new Appraisem^t but the former Value may be accepted, in case the persons that Valued the ship were on their Oaths, which is the Opinion of

Yo^r Excell^a
most obedient Servants
Geo: Plater
W^m Dent

They are Ordered to inquire whether the s^d Jury were vpon their Oaths or no & they make return accordingly as follows, Viz^t It is affirmed to Us by M^r Wriothesley that the Appraisers were vpon their Oaths, and that the same was sworn in Court whereof he was Clerk

Geo: Plater
W^m Dent

By his Ex^{ty} the Govern^r & Council &c^t

March the 5th 1695/6.

The Ship
Anna Helena
being con-
demned, Or-
der'd to be
made over
to Robt
Brown
Ordered vpon the above Report that the petitioner have Grant of the within mentioned Ship at the rate of 30^l stel. according to Appraisem^t thereof already made, and that George Plater Esq^r take care (as his Ma^{ty} Receiver Gen^l) for to secure of the pet^r the two third parts thereof pursuant to the directions of the Law, and that the s^d M^r Plater (if Required) give the pet^r in behalfe of his Ma^{ty} a Bill of Sale for the s^d ship. Whitehall

Signed p Ord^r Hen: Denton C of Concil.

Lib. H. D.

March 4th 1695/6.

List of persons presented by Esqr Smith for Justices &c

Whitehall

Came the hon^{ble} Rob^r Smith Esq^r pursuant to the Ord^r of this Board and presented the following List of Names, by him recommended to be appointed Commissioners for Talbot County, Viz^t Cap^t James Murphey, M^r William Finney, M^r Edward LLOYD, M^r Robert Goldesborough, M^r Thomas Bowdle, M^r William Hemsley, M^r Richard Tilghman, M^r Robert Macklin M^r Hugh Sherwood, M^r Thomas Robins jun^r M^r John Coppage & M^r Mathew Smith; Ordered th^t the same be Commissionated accordingly, and that in Order thereto a Commission of the peace & for Tryall of Causes issue forth of the Secretaries Office, constituting & appointing the ffive first persons aforenamed to be of the Quorum.

Mr Solicitor Genls Motion touching John Valliant & Ord^r made for Commitmt &c

Whitehall

p. 269

Came Cap^t William Dent his Ma^y Sollicito^r Gen^l and made motion on behalfe of his Ma^y that John Valliant, who was now brought here in custody of the Sherriff did detain in his hands the Records of Talbot County Court, being a person not qualified to Act as Clerk, neither by Commission from the hon^{ble} S^r Thomas Laurence Baronet Secretary, nor other legall Authority; as also keeps the Book of fees and puts them into private hands to receive, therefore prayed that for the same & other illegall matters he had to bring against him the said Valliant might be committed into the custody of the Sherriff of Talbot County, there to remain vntil he shall thence be delivered by due course of Law; And further Ordered that the said Sherriff take into his possession the severall Record Books, Book of fees, and all manner of papers & writings belonging to the said County Court, and that he make a List of the same & search the said Valliants house or other suspected places, where he supposes any such Books or Writings may lye lodged, and deliver the said severall Books & papers vnto the Clerk by Ord^r now to be Commissionated: And Whereas information hath been made by Robert Mason Esq^r (Attorney of S^r Thomas Laurence Baron^e Secretary) that M^r John Salter of Talbot County afores^d has taken upon him to Collect severall of the aforementioned fees & has actually received severall Sum^{es} of Tob^o thereby Accruing, and that severall other persons have by the s^d Valliant, been employed in the like nature, to the great damage of the said S^r Thomas; therefore prayed Redress therein; Ordered likewise therevpon that the said Sherriff give publick notice & forwarn all persons within his County from either paying any of the said fees to Valliant or receiving thereof for the s^d Valliants Use; but that

all the aforementioned fees be collected by the s^d Sherriff and Lib. H. D.
that he call the said John Salter to Acco^t and answer & pay
the whole Tobacco he shall collect vnto Robert Mason Esq^r
Attorney of S^r Thomas Laurence as aforesaid.

Sffe of Tal Co: Ket touching the paymt of 6000lbs tobaco towards building a Church at Williamstadt Referred to Mr Attorney Gen^l &ca Ordered that it be Referred to M^r Attorney & Sollicito^r Gen^l the Sherriff of Talbot County's Return of the Ord^r of the House of Burgesses relating to the paym^t of Six thousand pounds of Tobacco, for & towards building a Church at Williamstadt, to know whether the House of Burgesses have power to make any such Ord^r without his Ex^{ncy} the Govern^r & Councils assent, and whether the Justices of Talbot County could give Judgm^t against the Sherriff vpon such an Ord^r when an Ordinance of Assembly had been passed to the contrary before & had been shew'd to the Court, as also another particular Ord^r of his Ex^{ncy} since that.

Tho: Hebb appears & is Ordered to be Examined by the provil Justices & prosecuted &ca Came & appeared Thomas Hebb of S^r Maries County against whom Cap^t Meech, Michael Cheevers & other Depositions have been here read, touching his piloting a Vessell away for Virginia, after the s^d Meech had seized her.

His Ex^{ncy} demands to know whether he ever received a Commission from the late Govern^r Copley his Ex^{ncy} S^r Edmund Andros Govern^r of Virginia, or from himself for being pilote &c^a who Answers he never did. p. 270

He is asked if he was a board the aforementioned ship, who does say he was; in the next place his Ex^{ncy} asks him whether he knew that Cap^t Meech had a Commission to looke after illegall Traders, who says that he did by Report hear such a thing; Ordered that the said Hebb be taken into custody & Carried before the Justices of the provinciall Court, now sitting together with the Depositions & papers for their Examination, and that he be prosecuted & proceeded against according to Law.

His Ex^{ncy} signs the Executions to Coll Darnalls Lists of fees Coll Henry Darnall came & brought severall Lists of fees due to him for sealing Patents for Land &c^a praying his Ex^{ncy} would please to sign the Executions therevnto annexed, being before done by the late Govern^r Copley & Coll Nicholas Greenberry, when president; And his Excell signed the same accordingly.

Officers not to exact more fees than by Law allowed, & no publick Upon Representation, Ordered, that the severall Officers within this province, officiating in any publick imploy within the same, and to whom fees for doing Business are properly belonging do not exact

Lib. II. D. papers to be or take any other fees than what by Law are settled
 carried out of the port of Annapolis &c. or allowed to be taken; And that for the future no
 publick papers be carried out of the port of Annapolis, but that all business there done, be made vp &
 Whitehall finished in that place & the papers thereof lodged in their
 proper Offices there, hereby commanding the Sherriffs of the
 province to publish this Ord^r in all public places within their
 respective Counties.

Ord^r touch- Vpon Representation, Ordered that the Vestry-
 ing the Ves- try's, what
 inside this Province be obliged to perform & see finished,
 Worke they within their respective parish Churches, no other
 are obliged inside worke than Viz' plastering the Walls, making
 to perform the pulpit, the Reading pew & Clerks Desk, to pro-
 in their vide a Communion table & Raile in the same; And
 Churches
 Whitehall
 p. 271 as for all other pews & seats, that the severall Parishioners be
 at charge of making the same according to their own liking.
 And it is hereby further ordered that the Sheriffs of the Prov-
 ince give Copy of this Order to the severall Vestrys within
 their respective Precincts.

March the 5th 1695/6.

The Councill again Sate & were p'sent as before except
 Coll Addison.

Tho: Hall's Read a petition of Thomas Hall of Calvert
 pet for Re- County, therein praying the Remittance of a fine of
 mittance of fine Granted 1000^{lbs} of Tob^o inflicted vpon him by the Commis-
 sioners of the s^d Court, and the substance in the petition set
 Whitehall forth seeming reasonable, it was Ordered that the said fine
 should be remitted accordingly.

Mr Danl Pierce Or- Produced & read a rough draught of a Commis-
 der'd to be sion appointing M^r Daniell Pierce riding Surveyo^r of
 Riding Sur- Cæcill County and the Counties adjacent, being by
 veyo^r in Order drawn for the better preventing the foule
 Whitehall Cæcill County trade carryed on betwixt pensilvania & those parts,
 thereby Empowering the hono^{ble} James ffrisby Esqr to Admin-
 ister to the said Pierce the Oaths appointed by Act of par-
 liament to be taken instead of the Oaths of Allegiance &
 p. 300 Supremacy & Test; as also the Oath of Trade & Navigation
 and that he take like Bond for his due performance of the said
 Office as vsually is given by the Navall Officers; the said Com-
 mission was approved off & Ordered to be Engrossed and th'
 Copy of the Bond & Act of Trade & Navigation should be

given to M^r ffrisby in Order to pursue what by the s^d Comis- Lib. H. D.
sion he is directed.

The said Commission follows in these Words,

Daniell
Pierce Com-
mission of
Riding Sur-
veyo^r &c^a

Viz^t. ffrancis Nicholson Esqr Cap^t Gen^l & Goven^r
in Chief of his Ma^y Province of Maryland, To Daniell
Pierce of Cæcill County Gent^l Greeting Whereas for
the more vigorous & effectua^l putting in prosecu-
tion the severall Acts of Trade & Navigation I do find it abso-
lutely necessary & expedient that an Officer or Riding
Surveyo^r be constituted in Cæcill County for the further &
better prevention of the fraudulent & illegall Trade carryed
on and managed betwixt Pensilvania & that place (notwith-
standing my former care to obstruct the same) as by com-
plaint I have Received; And putting speciall trust & confi-
dence in your fidelity & diligence I have thought fit to consti-
tute & appoint and I do hereby accordingly Authorize &
appoint you the said Daniell Pierce to be riding Surveyo^r
within all the Limits & p^rcinets of Cæcill County afores^d and
the Counties therevnto adjacent, with full power & Authority
to Examine all Masters of ships or other Vessells or bottoms
whatsoever trading thither and to make search thereinto by
breaking open any Chest, trunck, lock, truss or pack, as fully
& amply as any Navall Officer within this province (by Law)
might or could do; as also to make Seizures &c^a And you are
more particularly to keepe most frequently riding and have
strictest regard to those places by which such illegall Trade
is carryed on & managed as afores^d and to strictly examine
& search all Carts & Wagons, Boats, Shallops & Sloops
transported over Land; As also to observe & yearly take an
Acco^t (as well as possibly you can) of the quantity of Tobacco
& Number of hogsheads made towards the ffrontier planta-
tions adjoyning vpon Pensilvania in those parts; And for your
better guidance to discharge the Duty of your s^d Office, you
are to be Ruled by & have Recourse to the severall Acts of
Trade & Navigation in the Book of Rates set down, the Laws p 301
of this province & all proclamations, relating to Trade, by me
issued; And to observe all such further directions as from
time to time you shall from me receive; You having first
taken the Oaths appointed by Act of parliament to be taken
instead of the Oaths of Allegiance & Supremacy & subscribed
to the Test, as also an Oath for the due observance of the said
severall Acts of Trade &c^a hereby Empowering the hono^{ble}
James ffrisby Esqr to administer the same to you, as also take
Bond as vsually given by the Navall Officers, the which he is to
Certify to me accordingly, hereby desiring & commanding
all Officers Civill & Military within this province and all his

LA H. D Ma^r loving subjects to be aiding & assisting to you the said Daniell Pierce in the due Execution of your s^t Office. And for your trouble pains & care herein you are hereby allowed & to have paid you the sume of Twelve pounds ster yearly during the continuance of this Commission. Given under my hand & Seal at the port of Annapolis the 5th day of March in the Eighth year of the Reign of our Sovereign Lord King William the third &c^e Annoq Domini 1695 6

The Oath of Trade & Navigation vsually Administred vnto the severall Collectors Navall Officers & Riding Surveyo^r within this province, Viz^t

Oath of Trade & Navigation &c^e You shall swear that you will to the best of your skill & power so long as you shall continue within the of well & truly Execute & perform and cause to be Executed & performed all matters & things which by the Statute made in the 12th year of his late Ma^r King Charles the second his Reign Entituled an Act for the Encouraging & increasing of Shipping & Navigation; and by the other Statute made in the 15th year of his said Ma^r Reign, intituled an Act for the Encouragem^t of Trade, you are Required as Navall Officer within the District afores^d to be sworn to the performance of, and all the Laws of this Countrey relating to trade & Navigation. So help you God

p. 392

Oath of Allegiance &c^e

I. A: B: do Sincerely promise & swear that I will be faithful to his Majesty King William the third &c^e
So help me God &c^e

I: A: B. do swear that I do from my heart abhor, detest & abjure as impious & hereticall, that damnable doctrine & position that Princes excommunicated or deprived by the Pope or any Authority of the Sea of Rome may be deposed or Murdered by their subjects or any other power.

And I do declare that no fforraign Prince person, prelate State or Potentate hath or ought to have any Jurisdiction, power Superiority or Authority Ecclesiasticall or Spirituall within the Kingdom of England or the Dominions therevnto belonging.

So help me God.

Ltr to the Siffe of Cæcill Co: touching Amos Nicholas &c^e Produced & read a Letter by Ord^r writ to M^r John Carville high Sherriff of Cæcill County, thereby commanding him to get an exact Acco^t of the Number of hogsheds of Tobacco left in the said County last

year; and upon the peoples refusing to give him an Account Lib. H. D. he was thereon to make search & return the peoples names so Refusing, and that when he shall receive any new process against Amos Nichols & Cornelius Comegys, he should raise the posse of his County rather than faile taking them, the w^{ch} was approved off & Ordered to be sent accordingly.

L^{re} to Coll Brown Ordered to be writ Ordered that a Letter be writ to the hono^{ble} Coll David Brown to give him an Acco^t of the Receipt of his Letter read in Councill, and th^t they are sorry for his present lameness, and have Ordered an Appraisem^t & Sale of Cap^t Meech's Sloop & Goods, His Honour, George Layfield Esq^r & Maj^r King being therevnto by the s^d Order especially appointed & that his Ex^{cy} & Councill do expect his company here next Assembly.

Answer to Coll Jowles L^{re} by Ord^r writ & sent Ordered that Answer be writ to the hono^{ble} Coll Jowles's Letter of the 15th of Feb^{ry} past to his Ex^{cy} sent and directed, being here read in Councill, to signify to him that in the first place they were sorry for his present indisposition And that having advized with the Kings Lawyers touching his request in appointing one of his Ma^{ty} hono^{ble} Councill to Officiate the Chancery Business in his stead, that by their Report the same could not be Granted & there- p. 302 fore considered & Ordered that a new Commision should issue constituting the hono^{ble} Coll Nicholas Greenberry & the two former Commissioners to Officiate for this term, and that as to that part of his Letter relating to Maj^r Dorseys Reports; to give him an Acco^t that Major Dorsey was sent for and appeared in Councill, who denyed any such abuses offered, but that if he can prove, the same, it is the Opinion of this Board, that he may have a good Action at Law against him, but that it was the Opinion & sense of the Board that Maj^r Dorsey should have halfe the profits of the Seals for what instruments pass the same when it was in the s^d Maj^r Dorseys custody.

Produced & Read a Proclamation & severall Orders issued vpon severall occasions (by his Excell^t Com^{and}) since the Whitehall meeting of the Councill in October last, w^{ch} were well approved off and Ordered to be Entered in the Journall of this Board, the which follow in these Words, Viz^t

Lib. H. D.

By his Excellency the Cap^t Gen^l

A

Maryland ss:

Proclamation

a Proclama-
tion prohib-
iting Seamen
to travell
without
passes &c^a

Whitehall

p. 294

Whereas diverse Complaints have at sundry times been made vnto me by severall Masters & Commanders of ships, how that their Officers & Seamen are frequently inticed & led away for Pensilvania & other adjacent Colonies as also Run themselves into many inconveniencies, through means of persons Entertaining & Receiving them into their houses at all time & times; whereby is occasion'd, not only very great neglect and much loss & damage to the Mast^r & Owners of such ships, but also exceeding detrim^t to his Ma^y Royall Navy for want of such Seamen (so inticed & led away) returning for England, besides publick Reflections & scandall which may be brought vpon the Governm^t for the same, if not timely prevented; To remedy therefore for the future such an apparent & growing Evill, I have thought fit to publish, make known & Ord^r and I do hereby accordingly proclaim & Command that no person whatsoever Military or Civill within this province, having a Plantation or otherwise keeping house, do hereafter any ways Entertain, harbour or Receive into his, her or their house or houses any Officer or Officers, Seaman or Seamen belonging to any ship or other Vessell trading within this province, vnless such Officer or Officers, Seaman or Seamen shall produce a good & authentick pass from vnder my hand or the hand & Seal of the Master of such ship or Vessell to which they belong, wherein shall be expressed the persons reall name or names, and that then they be no longer detained kept or Entertain'd, than the business they are sent vpon shall Require, vnder penalty of the party or parties (found offending contrary to the true intent & meaning of this proclamation) being proceeded ag^t according to the vtmost severity of the Law; And I do hereby likewise Notify & make known that what Officer or Officers, Seaman or Seamen as afores^d are (after publication hereof) found travelling without passes as afores^d shall be lyable to be taken vp and seized as Runaways and pay to the party so taking them vp according to the directions of the Law for Runaway servants. And forasmuch as severall Ord^r & Ordinances of Assembly have heretofore issued to the Vestry's of the respective parishes within this province touching the Collection & disposall of the forty p poll, Viz^t, that where the same was left vncollected last year should be Collected this year, and that in Parishes where Churches are built & no Minister inducted, the same should be sold for Bills of Exchange or

Ord^r touch-
ing the Col-
lection &
disposall of
the 40^l tob
p poll

ready Goods, this is to remind & Ord^r all such Vestry's so Lib. H. D.
concern'd, that they duly comply with & observe the afores^d
severall Ord^s & Ordinances being now well assured that
Tobacco is & will be a good comodity this year. And I do
hereby Ord^r & Command that the said severall Vestrys do
likewise take care & Ord^r that a certain Act of Assembly of
this province made in May last, Entituled an Act restraining
the frequent assembling of Negro's within this province be
published & read in their severall & respective parish
Churches, ffour times every year, pursuant to the directions
of the s^d Act, And that all Negros (wandring or going abroad
otherwise than as in the s^d Act is directed) be taken vp &
punished accordingly: And to the end due Notice hereof may p. 295
be given I do further Command that the severall Sherriffs of
the province proclaim this in all Churches, Chappells & other
publick Meetings within their respective Counties to which all
persons concern'd are to yield due & ready obedience, as they
& every of them will answer the contrary at their perill; Given
at the port of Annapolis, vnder the Broad Seal of the Province,
this 25th day of Jan^{ry} in the 7th year of his Ma^{ty} Reign &c.
Annoq Domini 1695.

God Save the King ffr: Nicholson

On the back of the s^d proclamation was writ the following
Ord^r Viz^t

By his Ex^{ty} the Govern^r &c. Jan^{ry} the 29th 1695

Sherriffs to
Collect the
Tobacco from
the publick
Officers pur-
suant to the
Act of
Assembly
Whitehall

Ordered that the Sherriff of each respective County
within this province take care to Collect & receive
this year, from the severall Officers living within their
Bayliwick (having any place or places of profit) all
such sume & sumes of Tobacco, as the Act of
Assembly of this province has directed to be assessed
and Leavyed from such Officers for the publick vse.

Signed p Ord^r H Denton C of Concil.

By his Ex^{ty} the Govern^r &c. Jan^{ry} the 25th 1695.

Ord^r to the
Colonels of
the Counties
relating to
the fixing
the publick
Arms

Ordered that the Colonel of each respective
County within this Province take care to get dili-
gently Viewed the severall Arms belonging to the
Country, wheresoever the same are lodged within
their respective limits & Command; so that such
Arms as are found impossible or difficult to be fixed here, be
sent for England, by some safe & trusty hand to be fixed
there; and further that they give notice to the severall Officers

Whitehall

Lib. H. D. having charge of any publick powder that they procure the same to be changed this ffeet; And lastly that they give Notice to all & singular the Command^{rs} of the severall Troops & Companies for to signify to the Soldiers in generall that they omit not the opportunity of providing themselves with Arms & Amunition (pursuant to the Act of Assembly) this p. 296 ffeet vnder the penalties in the said Act contained; Tobacco having yielded a good price last year and is likely to prove a good Comodity this year.

Eodem die.

Ord^r touch-
ing Masts
of Ships &
Seamen

Whitehall

Ordered that the Collector of each respective District within this province, his Dep^{ty} or Dep^{ties} give notice to the severall Masters & Commanders of ships or other Vessells at their first coming in & Entry making, that they take care to vse their best & vtmost endeavor for to seize & secure any person or persons they shall find or discover inticing away their Officers or Seamen and when apprehended that they deliver such person or persons vp to the next Justice of the peace, who is hereby directed & Ordered to cause all such persons so brought before him to be securely conveyed vnto his Excellency at the port of Annapolis, in Ord^r to be proceeded against according to Law. And it is hereby further Ordered that like notice be given, that no Master or Commander of any ship or other Vessell coming in & Trading within this province, presume to discharge any Officer or Seaman vnder their Command, without first acquainting his Excell therewith, to the end such Officer or Seaman may reap the benefit of his Excell pass (gratis) to go about their lawfull occasions; and further that they suffer none of their Seamen to go out any where, without giving them particular passes, wherein the names of the severall Seamen going abroad with the same shall be exactly set down, which said passes are to issue vnder the Masters own hand & Seal, for fear of counterfiets.

Eodem die.

Rangers
appointed
in Talbot,
Kent &
Cæcil Coun-
ties, after
the fleets
Arrival &ca
to prevent
Seamen
runing to
Pensil

Whitehall

Ordered that the Colonel of Talbot, Kent & Cæcill Counties do (vpon first advice of the fleets Arrivall) draw forth of the severall Troops & Companies within their several limits & Comand (by equall changes & turns) two Men a piece well mounted, accoutred & Arm'd, who are to keep constantly ranging vp at the heads of those Rivers by which people vsually pass into pensilvania, from the time of the s^d fleets coming in vntill their going out again in Ord^r to prevent Seamen & others runing thither, hereby

Empowering them to take vp & seize all suspected persons Lib. H. D.
they shall meet travelling thither (without good & legall passes)
and to deliver them vp to the next Justice of peace, in Ord^r to
be proceeded aga^t according to Law.

Ord^r to
Capt Old-
ton for
taking vp
suspicious
persons &c. Ordered that Cap^t John Oldton Commander of p. 297
the party of Rangers in Baltemore County give
Orders to his Men, as also take care himself, that
whensoever he or any of them go forth vpon the
Countray Service, that they Range along Susque- Whitehall
hanna River and Examine & take vp all suspected persons
they shall find travelling without good & legall passes, by them
to be carryed before the next Justice of the peace, to be pro-
ceeded ag^t according to Law.

Eodem die.

Wm York &
Jacob Young
to transport
no persons
over Susque-
hanna, with-
out passes Ordered that William York & Jacob Young per-
sons authorized & appointed to keepe a publick
house & fferry on each side Susquehanna River,
transport or fferry no person whatsoever over the Whitehall
said River but what shall come with good & legall
passes, And that they take vp all suspected persons travelling
that way without such passes & carry them before the next
Justice of peace, in Ord^r to be proceeded against according to
Law.

Eodem die.

Hue & Cry's
& Runaway
Servants
vndiscovered
to be sent
forward to
Annapolis, if
the Mastrs
are vknown Ordered that all Hue & Cryes for the future
issued or sent after Runaways or others, be directed
to be sent forward to the Port of Annapolis, and
that a speedy Acco^t be likewise from all parts sent
thither, where any Runaway Servants or Negro's
are taken vp and kept in custody & the Masters of Whitehall
such servants or Negro's vndiscovered, and that the
Sherriffs of the province publish this Ord^r in all places of pub-
lick Meeting within their respective Counties.

March the 4th 1695/6.

Masters of
ships &
Merchants
to be at the
port of
Annapolis
7th of May
&c^a to be
sum by the
Coll^{rs} Ordered that the severall Collectors & their
Deputies within this province take care to give
Notice to all Masters & Merchants of ships which
shall Arrive here this next ffleet, as also to such
Masters & Merchants as shall be remaining in the Whitehall
province the next meeting of the Assembly that (all
excuses set apart, except sickness or the like) they &
every of them be & personally appear before his Excell at the
port of Annapolis the 7th day of May next, being therevnto
called for his Majesties speciall service.

Lib. H. D. Ships (after the Arrivall of the fleet) not to be cleared without leave
p. 298
Ordered that (vpon Arrivall of the fleet from England, now expected) an Embargo & stop be put vpon all ships & Vessells at present trading in the Countrey, and that the Collectors or their Dep^{ties} presume to Clear no such ships or Vessells as afores^d without some particular leave or further Ord^r received from his Ex^{cy} for so doing.

Justices of the Co: Courts to finish all Business &c by March Court
Whitehall
Ordered that the Justices of the late divided Counties take Care (pursuant to former Ord^r from this Board) that they omit not to thoroughly finish all Business in their severall Courts depending, this present March Court.

Capt Brightwell to secure all suspicious persons &c
Whitehall
Ordered that Cap^t Richard Brightwell Commander of the party of Rangers vpon Potomock River take care to Seize & secure all suspected persons he shall find travelling over the head of Potomock out of this province into Virginia or coming from thence hither, to be by him carryed before the next Justice of peace in Ord^r to be proceeded against according to Law, vnless they produce good & legall passes.

The broken Arms &c to be fixed out of the quarter part of the Revenue
Whitehall
Ordered that the publick Arms belonging to this province, such as lye at p^rsent broken & vnfixed, that the charge of fixing & repairing the same be born out of the quarter part of the publick Revenue of this province.

Provv Attorneys to give th^r Opinions how Juries may be Attainted in y^r Countrey
Whitehall
Ordered that the Attorneys pleading in the Provinciaall Court of this province, return severally their Opinions vnder their hands what methods are to be taken for Attainting Juries in this province; whether the same can be done and in what case.

Georges Lingans Motion for a Commission of Review, Granted & Ordered
p. 299
Came M^r Philip Clarke Attorney at Law, who (in behalfe of George Lingan of Calvert County) humbly Moved his Ex^{cy} in Councill that vpon an Appeal by James Crauford made from a certain sentence of the Commissary Gen^l relating to Adm^{con} granted vpon the Estate of John Abington of the Kingdom of England Merchant deceased, his Excell vpon the s^d Craufords petition formerly presented at this Board did grant a speciall Commission for a Court of Delegates, which said Court he humbly conceived had given an Erroneous sentence & ag^t Law to the great grievance of the s^d George Lingan, Adm^r by the Commissary Gen^l legally admitted, in the right & for the vse of the Administrat^{rs} in England; therefore humbly prayed a Commis-

sion of Review might issue to Examine the s^d sentence of the s^d Court of Delegates; Ordered that a Commission of Review be accordingly prepared wherein the following persons are hereby constituted & appointed to be of the s^d Commission, Viz' the hono^{ble} Coll George Robotham, Coll Nicholas Greenberry, Coll Charles Hutchins, Robert Smith Esq' Coll S^r Leger Codd, Maj^r Robert King & M^r Edward Jones of Cæcill County vnless the hono^{ble} S^r Thomas Laurence Baron['] Secretary & Edward Randolph Esq' come in, and that the same be heard & tryed the 5th day of May next, whereof the s^d Justices appointed are to have due notice, as also James Crauford & George Lingan the parties concerned. Lib. II. D.

Coll Addison The hono^{ble} Coll John Addison (vpon some pressing business calling him home) craves leave of his Ex^{ncy} & the Board to go, the which was granted vnto him. Whitehall

March the 6th 1695/6.

The Councill again Sate & were present as yesterday except Coll Addison & Esq' Brooks. Whitehall

Ordr of Reference to Mr Attor-ney & Sollicitor Gen^{ll} touching proof of Les of Att in England &c^a Came the hono^{ble} Kenelm Cheseldyn Esq' Commissary Gen^{ll} of this province, who producing to his Ex^{ncy} & Councill a certain procuration or Letter of Attorney from England, touching the Adm^{con} of Richard Charlets Estate the which came attested vnder the Common Seal of the Lord Mayor of London, whereby was signified that the same was proved before the Lord Mayor by one Evidence; Ordered that it be Referred to M^r Attorney & Sollicitor Gen^{ll} for them to make Report vnder their hands whether such an instrum^t or Letter of Attorney ought to be admitted for authentick proof, without the Witnesses thereto appear here in the Countrey Viva voce, and whether one Witness is sufficient, and whether the Arch Bishop of Canterbury's prerogative power extends as farr as this province, having herewith sent a Copy of one of his Ma^{ty} Royall Instructions for their better directions therein. Whitehall

A Copy of one of his Ma^{ty} Royall Instructions,
Viz'

And to the end the Ecclesiasticall Jurisdiction of the said Bishop of London may take place in that our province as farr as conveniently may be, We do think fit that you do give all countenance & Encouragem^t in the exercise of the same, excepting only the Colating to Benefices, Granting Lycenses for Marriages and probate of Wills, which We have Reserved to you our Govern^r or the Commander in Chief for the time being. Whitehall p. 304

Lib. H. D. His Excellency was pleased to demand the severall Opinions of the Gentlemen of the Council whether they deem such proof aforementioned to be sufficient; Wherevpon was produced the two following Acts of Assembly, Viz^t An Act for the Enrollm^t of Conveyances & securing the Estate of purchasers, and An Act providing what shall be good Evidence to prove fforraign Debts, the which were Read; but it not appearing that either the s^d Acts had prescribed any way for the proving Letters of Attorney or such like instruments, the same providing only for proof of Debts & conveying Lands, they are of Opinion that such proof as this day was shewed vnder the Lord Mayors Seal for proving a certain Letter of Attorney, is not sufficient proof in Law, nor ought to be admitted within this province for such.

a thanks-
giving day
&c^a sus-
pended
till the
Whitehall Assembly

His Excellency is pleased to declare that he intended to have appointed & set aside one day (this present Court) for a day of publick thanksgiving & Rejoyceing for the happy News of his Ma^{ty} safe Arrivall & prosperous success against the french, but considering the Weather now falls out to be so extream sharp & bad, and that the Assembly will shortly follow, at which time the said Matter may be performed in a more solemn manner, does therefore think fit to suspend the same vntill then.

The following two Lycenses Granted to the Labadees are by Ord^r Entred, Viz^t

Copy of
Govern^r
Copleys
Lycense to
Mr Vors-
man the
Labadee
Minister

Maryland ss:
Lionell Copley Esq^r Cap^t Gen^l & Chief Govern^r
of their Ma^{ties} province of Maryland & the Territories
therevnto belonging, and Vice-Admirall of the same
&c^a To all people to whom these p'sents shall come
Greeting.

p. 305 Know Yee that forasmuch as Peter Sluyter als Vorsman of Cæcill County Clerk hath made it appear to me that he is an Orthodox protestant Minister Ordained according to the Maxime of the Reformed Churches in Holland—I have hereby Empowered, Authorized & appointed, as also given free leave Liberty and Lycence to him the said Peter Sluyter als Vorsman to joyne together in the holy state of Matrimony all such persons as are & be of his Society & no others whatsoever, without having further Lycense from my self or any publication at Church; Given vnder my hand & Seal this 28th day of Jan^y 1692/3

L: Copley

Maryland ss:

Lib. H. D.
Seal

His Excell
Governr
Nicholson
Lycense to
Mr Vorsman
the Labadec
Minister
Francis Nicholson Esq' Cap' Gen^l & Chief Gov-
ern' of his Ma^{ties} province of Maryland & the Terri-
tories therevnto belonging & Vice Admirall of the
same &c To all people to whom these presents shall
come, Greeting.

Know Yee that forasmuch as Peter Sluyter als Vorsman of
Cæcill County Clerk hath made it appear to me that he is an
Orthodox protestant Minister, Ordained according to the
Tenets of the Reformed Churches in Holland—I have hereby
Empowered, Authorized and appointed, as also given free
leave, liberty & Lycense to him the said Peter Sluyter als
Vorsman to joyne together in the holy State of Matrimony
all such persons as are & be of his Society (provided the said
persons shall actually have Resided in the said Society for
the space of three Months before the Solemnity of Marriage
passeth and no others whatsoever) without having any further
Lycense from myself or any publication at Church or County
Courts, Given under my hand & Seal this 4th day of October
in the 7th year of his Ma^{ty} Reign, Annoq Domini, 1695.

ffr. Nicholson.

March the 10th 1695/6.

Charles
Kilburne
Depty
Marshall &c
sworn
Then came Charles Kilburne before his Excel-
lency the Govern' who producing a Commission
for being Dep^{ty} Marshall of his Ma^{ty} Courts of
Admiralty on the Western shore, under the hand &
Seal of Thomas Collyer Gentl Marshall of the s^d Court had
administred unto him the Oaths appointed by act of Parliam^t
to be taken instead of the Oaths of Allegiance & Supremacy
& subscribed to the Test, and had also Administred vnto him
before the hono^{ble} Coll Nicholas Greenberry Judge of the s^d
Court, the Oath of Dep^{ty} Marshall as aforesaid.

The following Paper by Order Entred, Viz^t

Maryland ss:

Mr Wm
Taylard's
Certificate
touching the
proyll & Land
Records.
Whereas I find that Information has been made
against me William Taylard vnderwritten that I
should give out how that severall leaves have been
torn out of some Record Books in the Secretaries

Office since their Removall to this Port Annapolis—
These are therefore to Certify that to the best of my remem-
brance I should say that the Land Office Records lay very
indecent on the ffloor and that some leaves were loose &
shattered, and without speedy care be taken of those Records
they might be more abused or to that purpose, since which
upon my summons before his Ex^{cy} the Govern' to declare

Lib. H. D. what I knew in that matter, M^r Henry Denton, M^r Henry Wriothesley & myself did go to the s^d Secretaries Office & made inspection & particular scrutiny into the s^d Records & do not find any lease amiss since their Removall afores^d. the said Records being compared with the former List taken at St. Maries; Witness my hand the 13th day of March, Anno Domini 1695.

Witness, Charles Carroll

W. Taylard.

Hen: Denton

Hen: Wriothesley.

The Lords of the Councils Letter to his Excy touching the Conspiracy. After our very hearty Commendations; It having Pleased Almighty God to Extend his mercy to these Kingdoms by the Continued Instances of his Divine Protection, whereof at this time We have had a most Signal Evidence by the happy discovery of a Traiterous and wicked Design against the Life of his most Sacred Ma^{ty} by assassination and for the Subduing these Kingdoms by the French in Conjunction with other conspirators many of whom are Secured in Ord^r to be brought to speedy Justice; as the attempts of our fforrign Enemies have been disappointed by the preparacons that have been made against them by Sea and Land, We doe hereby in his Ma^{ty} name, and by his Express Command Signifye the Same to you that you may forthwith make known So Wonderful a deliverance to all his Ma^{ty} good Subjects, under your Governm^t the Particulars whereof & proceedings, thereupon are more at Large Sett fforth in the Enclosed pap^r And because upon this Occasion, and for the better Manning of the Royal ffleet to Oppose the Enemy, His Ma^{ty} hath found it absolutely necessary to Lay a General Embargoe for Some time upon all Ships outward bound and tradeing to his Ma^{ty} Plantations, We have thought it Requisite to dispatch this Express to You for the preventing any Malitious or Mistaken Informations, and for the Satisfaction of the Inhabitants of the s^d Plantations, not doubting but you and they will heartily Joyne with us in Expressions of Thanks to Almighty God for So Great a Blessing in the Preservation of his Ma^{ty} Sacred Person and Governm^t And So we bid you very heartily ffarewell; From the Councill Chamber at Whitehall this tenth day of March 1695.

Your very Loving ffrinds.

J: Bridgewater
Stanford
H: Goodricke
J Boscawen
Govern^r of Maryland:
W^m Blathwayt

Norfolk & Marshall
Bolton
Schonburg & Leinster
Dorsett
Dursley

William R

Lib. H. D.

William the Third by the Grace of God King of England
Scotland France and Ireland Defender of the Faith, &c^{ca}

To our Trusty and Welbelov'd Fran: Nicholson Esq^r our
Cap^t Gen: and Govern^r in Cheif of our Province & Territory
of Maryland in America, and to the Govern^r or Commander
in Cheif of our s^d province and Territory for the time being,
Greeting, We do hereby Authorize you to vse the Seal of
th^t our province & Territory Engraven with the Name &
Inscription of us & our late Royall Consort Queen [Mary] of ever
Blessed Memory, for Sealing all things whatsoever th^t Shall
pass the Seal of our s^d Province and Territory under your
Govern^t untill we shall give Ord^r for another Seal to be En-
graven with our own Royall Name and Inscription only,
Given at our Co^{rt} at Whitehall the fourteenth day of March
1694/5 In the Seventh year of our Reign.

By His Majesties Command^r

L. Trenchard

Govern^r of Maryl^d to Use the present }
Seal till another be Ordered. }

The following Letter being Received by his Excellency
from the Govern^r of New York since the sitting of the last
Councill, was Ordered to be Entred in the Councill Book
together with his Excell^t Answer to the said Letter, and are
as follows, Viz^t.

New York March the 28th 1696.

Govern^r of Sr
New Yorks

Letter to his
Excellency.

I take hold of this opportunity (M^r Smith the
Bearer going your way) to put your Ex^{cy} in mind
of my last of the 19th of Feb^r past and of the great necessity
there is of giving your assistance according to her late Majes-
ties Letter many of the forces late come over from the hard-
ship they vndergo having only 8^d New York Money and the
Country where they are Garrisoned laid Waste are ruin so
that I must be necessitated without the assistance of the Quota
to make as great detachm^{nt} of Men in this poor province as
formerly which is a more heavy burden than the pay I do
therefore again make Application to you for Quota and that
the pay of those shall be wanting be transmitted for the ease
of this Province and am S^r

p. 307

Yo^r Excell most humble

Servant Ben ffletcher

1.1b II. D. Maryland.

Answer to the s^d Letter, Viz^t

Maryland, Port Annapolis April 17th 96.

His Excell^{ty} S^r
Letter to the
Govern^r of
New York

Mr Smith of Rode Island gave me your Excell^{ty} Letter of March the 28th and the Answer of your other of the 9th of Feb^r had been despatched sooner but that I was in dayly hopes of the arrivall of our London fleet, so that I might have sent your Excell^{ty} some good News from England; but the last I have from Plymouth I send by Perry; and all my Letters (thank God) bring the good Account that his Majesty & the parliment Agree very well, and that they will comply with all his Ma^{ties} Demands. I am very sorry that the fforces which are lately come over vndergo any hardships and especially that they have but 8^d New York Money p diem, and I shall be glad to be any ways assisting to you, being a Wellwisher to Soldiers. And if all his Majesties Govern^{rs} vpon the Continent will give the Tithe of their Annuall Incomes towards bettering their condition, for my part, I shall most readily doe it. In the interim shall not now be wanting in my duty to Represent that Affair to our Assembly as it hath formerly been done by him who is

Yo^r Ex^{ty} most humble

Servant

ffr: Nicholson

Govern^r New York.

At a Council held at the Port of Annapolis, the 29th day of April, in the Eighth year of the Reign of our Sovereigne Lord King William the third &^{ca} Annoq. Domini 1696

Present

His Excellency ffrancis Nicholson Esq^r Cap^t Gen^l &^{ca}

The Hono^{ble} Coll George Robotham
Coll Charles Hutchins
Coll David Brown

}

Priest Halls
app: & Dis-
missall

Came M^r Hall priest at S^t Inegoes in S^t Maries County, and appeared here in Councill, pursuant to Summons, who being asked by what Authority be joyned together in the holy State of Matrimony M^r William Bladen & M^{rs} Ann Vansweringhen of the s^d County, who producing a Lycense for the same from vnder the hand & Seal of M^r Thomas Davies, Minister of William & Mary parish in the County afores^d And the Act of Assembly of this province for

publication of Marriages &c^a being also produced & Read, Lib. H. D.
and some Debate vpon the same had the s^d Hall was dismissed
from his further attendance.

At a Councill held at the Port of Annapolis the thirtieth day Whitehall
of Aprill, in the Eighth year of the Reign of our Sovereign
Lord King W^m the third &c^a Annoq Domini 1696. p. 311

Present

His Ex^{cy} ffrancis Nicholson Esq^r Cap^t Gen^l &c^a

Coll George Robotham

Coll Nich^o Greenberry

Coll Charles Hutchins

Coll David Brown

Appraisem^t
of Cap^t
Meech's Es-
tate deliver-
ed to the
Commissary
&c^a

Produced at the Board the Return of the Ap-
praisem^t of Cap^t Meech's Estate in Somerset
County pursuant to the Order of Councill; and M^r
Commissary Gen^l being sent for, who Appearing Whitehall
the said Return together with a Book of Accounts
& severall other papers relating to that Estate were delivered
by his Excellency to the Commissary for his case.

Mr Layfield
sent for Ap-
pears.

George Layfield Esq^r his Ma^{ty} Collector of Pocomoke District, being sent for Appeared.

Then was Ordered to be Read William Cummin & Hugh Whitehall
Boides Depositions in relation to Samuell Murthland (Master
of the Ship Helena here lately Seized & Condemned) his
transporting himself in a Sloop belonging to one Milbourn &
cleared out of pocomoke District by the s^d Esq^r Layfield.

His Ex^{cy} asks how he came to suffer the said Murthland to
go out of the province in the s^d Sloop; without Seizing of
him, who says he went privately away: He is asked whether
Milbourn had given Bond for the s^d Sloop, who says that the
Navall Officer had taken good Bond; Ordered that the said Whitehall
Bond be speedily put in Suit & that the s^d Depositions be
delivered to M^r Attorney & Sollicito^r Gen^l in Ord^r thereto
Accordingly; And that Certificate be given the s^d Boide for
Allowance &c^a being sent for vpon his Ma^{ty} Service.

The Report of Ann Arrundell County Justices vpon an
Ord^r of Reference made to them from this Board touching a p. 312
petition here by Marreen Duvall of the s^d County; Ordered
that the same be Entred in the Journall of this Book, the
which follow in these Words, Viz^t

Lib. H. D. The humble Petition of Murrene Duvall Jun^r the Son of Murrene Duvall deceased, in most humble Manner sheweth your Ex^{cy}

Murrene Duvalls pet & Ord^r &ca That your Petitioner on Tuseday last did make his Address vnto this County Court, in Ord^r to Choose his Guardian (by Reason his ffather & Mother in Law, with whom he doth live do take little care for his proficiency in Learning, and lesser of his plantation, for his future good) And your petition^r was not admitted, neither would the Court suffer him to have as much as Assurance of some satisfaction when he comes at Age, for the vse of his plantation till then: for my Brother did proffer to give One thousand pounds of Tobacco p Annum for the vse of the plantation & would have had it Recorded, but they Refused Audience, choosing rather that his ffather in Law should wear out Land without any benefit; likewise they threaten to have your petitioner whipt, if he comes any more there.

Therefore your Pet^r doth humbly desire your Excell to Grant him the same priviledge of your Clemency to Orphans th^t others have, and to Admit & Ord^r he may Choose his Brother John Duvall, for his Guardian and your pet^r shall ever pray.

The Petition is Referred to the Worshipfull the Justices of this County to see that Justice be done to the pet^r & to give me a Reason why he may not Choose a Guardian.

ffr. Nicholson

The Report vpon the s^d Ord^r of Reference follows, Viz^t

In obedience to your Excell^t Ord^r The Court does shew these following Reasons, Viz^t

p. 313 The Article concerning the Orphans Learning, to the knowledge of some of the Court is false.

And that concerning his Plantation the Court is satisfied by Evidence that Coll Ridgely has fenced the whole in with a liffence, and has planted out a Nursery of Apple Trees, and has taken Ord^r to build on the s^d plantation; and are satisfied by a Clause of the said Orphans ffathers Will that his now Mother in Law is appointed Guardian to him & the rest of the Orphans till they come to the years of Eighteen.

The Court being satisfied in the falseness of this Orphans petition admonished him to be dutifull to his ffather & Mother in Law, and threatned (if he came with the like lying petition to the Court) to Chastize him for the same: And likewise Coll Ridgely has promissed vpon the good behaviour of the Orphan to do much for the intrest of the Orphan on his plantation; All which is humbly Offered & signed p Ord^r of Court

p Stephen Blatchford Dep^y Clk.

Mary
Megraughs
fine of 10lb
remitted

Mary Megraughs petition for Remittance of a Lib. H. D.
fine of Ten pounds Strl was Referred to his Ma^{ty}
Receiver Gen^l and vpon his Report & the considera- Whitehall
tion of the petition^r being very poor, was remitted accordingly.

May the ffirst 1696.

The Councill again Sate & were p^rsent as before, with the Whitehall
Addition of Esq^r ffrisby.

Alexander
Mallon's
pet Read

Produced to the Board by the hono^{ble} James ffrisby
Esq^r a petition of one Allexander Mallon & Henry
Hill, which was Read, setting forth that being come
out of Virginia into this province in December last one of them
had been taken & kept vnder Execution by the Under Sherriff p. 314
of Cæcill County (where they now Reside) vntill he gave
security for paym^t of the publick Leavy as other inhabitants
do, and that the other likewise expected to be so served; there-
fore humbly prayed for Relief therein; His Excell is pleased
to Aske how the Custom of the Countrey is in that Case, who
do say that the persons are vsually Resident in the province
Twelve Months before they pay any Leavyes; besides Decem-
ber was too late for taking the Leavy's of any person, That a
person coming from Duck Creeke had paid a Leavy contrary
to Law &c^a

His Excellency therevpon is pleased to Aske the s^d Esq^r
ffrisby what induced the s^d Sherriff to do so, who does say that
he met the high Sherriff lately vpon the Road discourseing
him about it, the said Sherriff told him that he had his Excell^t
Ord^r for Collecting all such Leavyes;

Sherriff of
Cæcill
County
sent for

Ordered therevpon that precept go from this
Board directed to one of the Coroners of the s^d
County, commanding him to take into his Custody
the Body of the s^d Sherriff, so th^t he bring him down here
immediately before this Board for to Answer &c^a And that
his Undersherriff in the mean time take care to Execute that
Charge.

May the 1st 1696.

Coll Herman
to apprehend
Comegys &
Nichols

Ordered that Coll Casparus Augustin Herman of
Cæcill County do immediately vpon sight hereof
Raise the Militia of his County & Apprehend & take
into his custody the Bodies of Cornelius Comegys & Amos Whitehall
Nichols persons living vpon the ffrontiers of this province &
driving a secret trade with the fforraign Indians as is credibly

Lib. H. D. Reported, whereby his Ma^{ty} Customs are defrauded and the
p. 322 s^d persons Esteemed & Reputed as dangerous to the Governm^t by keeping such correspondence as afores^d and that when Apprehended & taken they be securely brought before his Excell in Councill with all possible speed, to Answer &c^a

May the 4th 1696.

The Councill again Sate & were p^rsent as before.

Maj^r Whittington continued S^{ts} of Somerset County.
p. 323 Read a Letter from Maj^r William Whittington of the 27th of Aprill past to his Excell sent & directed, therein praying the continuance of his Sheriffs place, to which his Excell is pleased to say that it is a thing of course, and therefore Ordered that he be continued accordingly.

Whitehall Read the following Information, Viz^t

Coll Herman's information touching Basilion & Letort
The Information of Coll Casparus Augustin Herman concerning Peter Basilion & Cap^t Letort, as follows, viz^t

This Informant saith that Basilion does now live at St. Jones's but formerly lived about thirty Miles backwards from any inhabitants, where he treated with the Indians & was then Reported that he kept private correspondence with the Canida Indians & the ffrench, and since he has heard that he has a Brother taken by the Mahages from Canada, to whom he was intended to go, in Ord^r to Redeem him.

That Cap^t Letort a ffrenchman does now live back in the Woods in the same place where the s^d Basilion formerly lived & trades with the Indians, as he is credibly informed; to which said Information the s^d Coll Herman hath herevnto set his hand; this first day of May, A^o 1696.

Casp: August Herman.

Whitehall Ordered that the s^d Information be sent to the Gov^r of Pensilvania, the persons therein mentioned living in that Governm^t

May the 5th 1696.

Whitehall Produced at the Board the following Proclamation pursuant to Ord^r issued, which being pervsed, Read & approved off, was signed by his Excell & passed the Broad Seal of the province.

By his Ex^{ncy} the Cap^t Gen.

A Proclamation

Lib. H. D.
Maryland ss

ffor a publick thanksgiving

fforasmuch as it hath pleased God (of his infinite mercy) Whitehall
to Grant to the fforges of his most sacred Ma^y (this last year) p. 324
great prosperity & success against his Enemies the ffrench as
well by Land as sea, and more especially considering the
joyfull & happy News of his Ma^s safe arrivall in England,
the Almightyes continued goodness in the protection of
his Royall person under all those dangerous hazards &
Attempts his Ma^y hath vndergone, during this warr; All
which inestimable blessings Require our publick thanksgiving
& acknowledgm^{ts}; Have therefore thought fit, and by the
advice of his Ma^s hono^{ble} Councill & House of Burgesses (in
a Generall Assembly now Convened) do hereby appoint &
Command that a generall thanksgiving to Almighty God for
these Rich Mercies & ffavours, be observed on thursday next,
by the s^d Genll Assembly & all the Inhabitants & others then
Residing within this Port, and (in the severall Counties &
places within this province) on the ffirst thursday in June next;
And I do strictly Charge & Command that the said publick
days of thanksgiving be Religiously observed by all his Ma^s
loving Subjects within the same; requiring all persons to go
out of Mourning and to abstain from servile & Corporall
labor on those days, and that the Ministers of the severall
parishes do then Read divine service and preach, as they will
Answer the contrary: And to the end due Notice hereof may
be given, I do further Command the severall Sheriffs of the
province to make proclamation hereof in all Churches, Chap-
pells & other publick places of Meeting within their respec-
tive Counties; Given at the Port of Annapolis vnder the
Broad Seal of the province, this ffifth day of May (being
Munday) Anno 1696, and in the Eighth year of his s^d Ma^s
Reign

God Save the King.

ffr: Nicholson

May the 6th 1696.

The Councill again Sate & were p^rsent as before with the Whitehall
Addition of the hono^{ble} Coll John Addison & Thomas Brook,
Esq.

Coll Codd Came Coll St. Leger Codd, who being appointed p. 325
Excused upon the Commission of Review inter Ligan &
from being of Crauford, humbly prays to be dismissed, saying
the Commis- that his indisposition of body is so great th' he has
sion of Review. obtained like favour from the House of Burgesses
to retire home; Ordered that he be dismissed accordingly,

Lib. II. D. and that some other person be Appointed to be put in the s^d Commission in his stead.

Mr Pollard Coll pierce & Mr Boothby appointed Court &c instead of Esq^r Smith, Coll Codd & Mr Jones

The hono^{ble} Rob^t Smith Esq^r Coll St Leger Codd & M^r Edward Jones being three of the persons appointed for Commissioners upon the Commission of Review &c^t abovementioned but Coll Codd being dismissed, and the other two not appearing; Ordered therefore that M^r Edward Pollard, Coll W^m Pierce & M^r Edward Boothby be appointed to serve in their stead, if no objection be made by either party.

Both parties being acquainted therewith did Approve of the same.

Henry Denton appointed Clk of the Court of Review

Upon Motion made what Clerk or Register should be inserted in the said Commission to serve, &c^t It was Order'd that Henry Denton Clerk to the Court of Delegates (in the s^d Cause there depending) be constituted Clerk of the s^d Commission of Review, if by Law he may be admitted, and that M^r Attorney & Solicitor Gen^l give their Opinions therein accordingly, who Report as follows, Viz^t

To his Excell^{ty} Francis Nicholson Esq^r Cap^t Gen^l & Govern^r in Chief the hono^{ble} his Ma^{ty} Councill of Maryland.

It being questioned of Us whether M^r Denton who was Clerk in the late Commission to the Court of Delegates between George Lingan Adm^r of John Abington dec^d & James Crauford, whether M^r Denton Clerk to the said Court of Delegates may be now Clerk in a Commission of Review, We do humbly Certify that the Clerk being sworn to make a true Record of all proceedings may be legally admitted Clerk of the present Commission of Review; All which is humbly submitted to by yo^r Excell^{ty} most obedient humble Serv^{ts}

Geo: Plater
W^m Dent

May the 8th 1696.

p. 326 Produced a Commission constituting severall persons Commission^{rs} of the s^d Court of Review, which being Read was approved off & signed by his Ex^{cy} & passed the Broad Seal of the province. The s^d Commission follows in these Words Viz^t.

Maryland ss

Commission of Review int
Lingan & Crauford

William by the Grace of God, of England, Scotland, France & Ireland King Defender of the faith &c^t To our Trusty & well beloved Coll George Robotham, Coll Nicholas Greenberry Coll Charles

Hutchins, Maj' Robert King, M' John Pollard Coll William Lib. II. D.
Pierce & M' Edward Boothby Gentl Greeting, Whereas a certain matter of Controversy was lately depending before Us in our Prerogative Court holden before our Commissary Gen^l or Judge for probat of Wills & granting of Adm^{cons} in our province of Maryland between George Lingan Adm^r of the Goods & Chattles of John Abington deceased Libellant & James Crauford Def^t, in which Cause it was so farr proceeded, that our said Judge had pronounced his definitive sentence in the s^d Cause, by which sentence the s^d James Crauford found himself Aggrieved as it was said & thereupon Appealed to our Court of Delegates in our Chancery to be by Us for that purpose appointed, Whereupon We did by our Commission under our Great Seal Nominate & Appoint Coll David Brown & others to be a Court of Delegates to inquire into, Examin, hear & determin the Matters afores^d And Whereas We are given to understand that the s^d Judges Delegates appointed as afores^d have terminated their s^d Comission and given Judgm^t, in the matter of the s^d Appeal in favor of the s^d James Crauford against the s^d George Lingan the Adm^r afores^d contrary to Right, Equity & good conscience, as by the great Complaint of the s^d George Lingan We have Rec^d And therefore the s^d George Lingan hath Appealed to Us & humbly supplicated Us for our Commission of Review to Review the Judgm^t & sentence of the s^d Judges Delegates made as afores^d; We willing as much as in vs lyeth that all things may be done between the s^d parties which to Right & Justice appertaineth, Have therefore Assigned, constituted, Ordained & appointed and by these p^rents do assign constitute, ordain & appoint you or any ffive or more of you (whereof you the s^d Coll George Robotham or Coll Nich^o Greenberry to be always one) our Commissionⁿ especially appointed to Review & Examine the sentence & Judgm^t as well of the s^d Court of Delegates, as of the s^d Commissary Gen^l and all the proceedings touching the same & the matters in difference between the s^d George Lingan & James Crauford in relation to the Adm^{con} of the s^d Abingtons Estate finally to hear & determin according to the Rules of the Civill & Ecclesiasticall Laws & other the Laws of this our province, and to that End you are to meet, in some convenient house at our port of Annapolis on the Eighth day of this instant May by Nine of the Clock in the Morning of the same day, and there to Call & cause to come before you as well the s^d Complainant George Lingan, as also the s^d James Crauford & all other persons therein any ways concern'd, and you are further likewise hereby Empowered, as also Required to Command a full Copy or Transcript of the proceedings had & taken before the s^d Court of Delegates in

Lib. H. D. & about the p'mises, and their sentence therein given (remaining among the Records of our high Court of Chancery) to be thither transmitted vnder the hand & Seal of the Register of the s^d Court and there laid before you, that the Complainant may make such Exceptions against the same as he shall thinke fit & convenient, and the severall pleadings Testimonies proofs & Allegations on both sides, being strictly heard & Examined, and the Matter duely Maturely & deliberately weighed and considered, you are to pass & give your finall Judgm^t sentence doome & decree therein, according to Justice & the Civill Law & other the Laws of this province, and to the best of your skill & vnderstanding, as also to taxe all Costs & p. 328 Charges thereon Accruing, hereby Empowering you to Adjourn your s^d Court from day to day or from time to time, untill the s^d Matter by you the said Commission^r shall be fully determined and to the End a true & fair Record may be kept of your proceedings herein; We have thought fit to Nominate & appoint, and We do hereby Nominate & Appoint Henry Denton Gentleman to be your Clerk or Register, to Receive take & Enter on his Journall the sume & substance of what shall be done and Acted by you in the Execution of the power and Authority hereby given & granted you, a fair Copy whereof attested vnder the hand & Seal of your said Clerk you are to transmit vnto Us in our high Court of Chancery, with all convenient speed; Given vnder the Great Seal of our said province, the Sixth day of May, in the Eighth year of our Reign &c^a Annoq Domini 1696. Witness our trusty & well beloved ffrancis Nicholson Esq. Cap^t Gen^l & Govern^r in Chief in & over our s^d Province & Territory of Maryland.

ffr: Nicholson.

On the back of the s^d Commission was thus written, Viz^t William the third by the Grace of God, of England, Scotland ffrance & Ireland King defender of the ffaith &c^a To Coll W^m Pierce & M^r Edward Boothby Gentlemen, Greeting These are to Authorize you or either of you to Administer vnto Coll George Robotham & Coll Nicholas Greenberry or either of them the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy, as also an Oath of Commission^r for this purpose to be framed and the s^d Oaths being as afores^d Administred & taken you the s^d Coll George Robotham & Coll Nich^s Greenberry or either of you are to Administer the s^d aforementioned Oaths to the rest of the Commission^r withinnamed, and to the Clerk, for which this shall be your sufficient Warrant, Given vnder the Great Seal of our s^d Province this Sixth day of May in the Eighth year of our Reign &c^a Annoq Domini 1696.

Witness our Trusty & well beloved ffancis Nicholson Esq^r Lib. H. D. p. 329
Cap^t Gen^l & Govern^r in Chief in & over our s^d province and
Territory of Maryland.

ffr. Nicholson

Ordered that the Sherriff of Ann-Arrundell County do (vpon sight hereof) take into his custody the body of Jeremiah Waters Master of the Briganteen, called the Hare, now riding in Herring Bay within the s^d County, as also summon Samuell Chew, so that they both be & appear before his Excell the Govern^r (at the port of Annapolis) to Answer &c^a

Came accordingly the s^d Jeremiah Waters & Samuell Chew, who being asked concerning the Lading of the abovenentioned ship taken in at the Madera's this last Voyage & her Entry making here, & the Reason of his Running with the s^d Vessell from one place to another, after such Entry making; and the s^d Waters Examination & Answer being taken in Writing; Ordered that it be Referred to M^r Attorney & Sollicito^r Gen^l to consult whether a Master, Entring his Vessell in one Port can by Vertue thereof go to any other place & Land Goods, than where the Officer Entring the same has Jurisdiction.

Ordr of
Reference,
whether
Wine shipt
by an Alien
& imported
in a Vessell
belonging to
this province,
should pay
the 4^d p
Gall &c^a

Ordered that it be Referred to M^r Attorney and Sollicito^r Gen^l whether Ten pipes of Wine imported last year in the Briganteen called the Hare (belonging to the Consul of the Madera's) ought not to pay the 4^d p Gall Duty notwithstanding the Vessell importing the same is this Countrey built & off & Whitehall belonging to this province; And that they consult what the Law says in such Case.

Which s^d Reference came Reported thus, Viz^t

To his Ex^{ncy} the Govern^r &c^a

Report vpon
the above
Ordr

In obedience to this Command We humbly say that according to the Reason & sence of the Law in our thought, the Ten Pipes of Wine ought to pay the Duty; ffor the Clause in the Law is only in favour of Residents in this Province & increase of Shipping & Navigation, both which faile in the present Case; And when the inductive Reason of any Law, either indulgent or penall failes, the bare Letter ought to attend it, which We humbly submit to your Excell & are Whitehall p. 330

Yo^r most obedient
George Plater
Will^m Dent

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1692. 10. 12. The 4th Report was Accepted of, and Ordered that the Duty of the s^d Wine be collected & Received accordingly.

Coll John Courts & Coll John Addison & Coll John Courts make inquiry whether Francis Marberry of Charles County or any other person or persons have Encroacht upon the Emperors of the cattoways Land, as also inquire whose Land the Chopteco Indians hold, and vnder what Circumstances they hold the same, and that they make Report thereof to this Board accordingly with all convenient speed.

Coll Courts & Mr Brooke permitted to Return home
Whitehall The hono^{ble} Coll John Courts & Thomas Brooke Esq^r Representing that the Ships in their parts being very forward for Sailing, and having Urgent Business to dispatch away by those ships; therefore humbly desire leave of the Board for some short time to Return home for to looke after the same, which was accordingly granted & time given them till thursday next to Return in.

May the 9th 1696.

The Councill again Sate & were p'sent.

His Ex^{ty} Francis Nicholson Esq^r Cap^t Gen^l &c^a

Whitehall Coll George Robotham } Coll David Brown }
Coll Nich^o Greenberry }
Coll Charles Hutchins } Coll John Addison }

Mr Attorneys Report touching Mr Tench's Lease of a Mill &c^a
Whitehall Produced & Read M^r Attorney & Sollicitor Gen^l Report upon an Ord^r of Reference from this Board of the 11th of March last relating to M^r Tench's Lease of a certain Mill prayed for &c^a the said petition, Ord^r & Report &c^a R^une in these following Words, Viz^t

To his Ex^{ty} Francis Nicholson Esq^r his Ma^{ty} Govern^r in Chief of the Province of Maryland &c^a

p. 331 The Petition of Thomas Tench of Ann-Arrundell County.

Esq^r Tench Sheweth.

pet for lease of a Mill

Whitehall That whereas he had Granted vnto him their Ma^{ty} Writ Quoad damnum, bearing Date the 20th day of Octob^r 1692, for and in Ord^r to building a Mill on the North side of Lands Creeke, vpon which inquisition was made by a Jury & Returned into the High Court of Chancery, by which

he complied with the Law, so farr as to have a Grant; Now Lib. H. D.
May it please your Excell, your pet' in due time prescribed by
the Law had Erected & built the s^d Mill & some improvem^{ts}
upon the s^d Land made, it being Seventy Acres allotted by the
Law, but by meanes of the death of the late Gov' Copley, and
other Accidents since happening, that he neglected to procure
a Lease for the same: Your pet' therefore prays your Ex^{ncies}
consideration of the same, and that Lease now may be Grant-
ed him, he having in all other Matters, relating thereto, com-
plied with the Act of Assembly

And he shall pray &c^a

The s^d Petition was by Ord^r indorsed thus. Viz^t

By his Ex^{ncies} the Govern^r & Councill &c^a

March the 5th 1696.

Ordered that the within petition be Referred to M^r Attorney
& Sollicitor Gen^l for them to make Report whether the Act of
Assembly of this province does direct the Leases for Water
Mills & the Land thervnto Adjacent, grantable by his Majesty, Whitehall
and whether the same is proper to be done, seeing his Ma^{ty}
holds no Land in the Countrey.

Signed p Ord^r

Hen: Denton C of Concil

The Report thereon follows Viz^t

To his Ex^{ncies} ffancis Nicholson Esq^r Cap^t

Gen^l & Govern^r of Maryland &c^a

In obedience to your Ex^{ncies} Commands to Us of the 5th of Whitehall
March, 1695, to Report whether the Act of Assembly of this p. 332
province does direct the Leases for Water Mills & the Land
adjacent grantable by his Ma^{ty} and whether the same is proper
to be done, seeing his Ma^{ty} holds no Land in the Countrey &c^a
We humbly say that the Act of Assembly doth direct the
Lease to be made by his Ma^{ty} Govern^r or Commander in
Chief, which We conceive is proper to be done, though his
Ma^{ty} immediately holds no Land in the Countrey, because the
Granting such Leases is not an Act of proprieto'ship, but of
Govern^r (p bono publico) and Enables the Governm^t to Grant
the Lease vpon performing the Conditions &c^a though the
Mill were built on any other Mans Land; so that the Prop^r of
the Soyle could not make such Lease vnless he were Enabled
therevnto by an Act of Assembly, and if an Act of Assembly
may (as We conceive it may for a publick benefit) Enable the

Lib. H. D. Prop^y who is the derivative Lord to make a Grant of such Land, with as much Reason may an Act Enable the King who is the primative Lord to make the like Grant, And this Act has Enabled the King by his Govenor to make such Lease; therefore We hold it proper to be done as the Act directs, it being not disallowed by his Ma^y as We know off, all which We humbly submit to your Excell & are

Yo^r Excell^t most obedient Servants
George Plater
Will^m Dent

By his Ex^{ncy} the Gov^r &c^a

May the 9th 1696.

Whitehall His Ex^{ncy} having pervsed this day in Council the within Report was pleased to Ord^r that the Lease therein mentioned be Examined by M^r Attorney & Sollicito^r Gen^l whether the same be according to Law, and then his Ex^{ncy} will sign the same.

Signed p Ord^r

Hen: Denton C of Concil.

P. 333 The Report on the s^d Ord^r is as follows, Viz^t

To his Ex^{ncy} the Govern^r & hono^{ble} Council of Maryland.

Whitehall In obedience to your Excell^t Commands We have pervsed the within mentioned Lease and do humbly conceive the same to be Agreeable to the Rules of the Law, all w^{ch} is humbly submitted to by

Yo^r Excell^t most obedient Servants,
Geo: Plater
Will^m Dent

And the s^d Lease was accordingly signed by his Ex^{ncy} in Ord^r to be passed vnder the Broad Seal of the Province.

May the 11th 1696.

The Council again Sate & were p^sent.

His Excell ffrancis Nicholson Esq^r Cap^t Gen^l &c^a

Coll Henry Jowles	} Coll Charles Hutchins }
Coll George Robotham	
Coll Nich ^o .Greenberry	

Attorney &
Solicitr
Gen^l con-
sulted, whe-
ther Tobo
brought out

Ordered that it be Referred to M^r Attorney & Sollicit^r Gen^l whether Tobacco brought out of Virginia and shipt here ought not to pay the Addition- all Duty of six pence p hogshead, Viz^t 3^d for the

of Virga & Govern' & three pence to the Countrey, the duty of Lib. H. D.
 shipt here Two shillings p hh^d being only paid in Virginia; and Whitehall
 should pay that they make Report theoreof accordingly.
 the addition-
 al 6d &c^a

The Report thereon follows, Viz^t

To his Ex^{ty} the Govern' in Councill &c^a

In obedience to yo^r Excell^t Commands, We conceive that if Whitehall
 the Tob^o pay but two shillings in Virginia & is Exported from
 Maryland, the Exporter ought to pay the other sixpence here,
 all which is humbly submitted to yo^r Ex^{ty} Judgm^t by
 Yo^r most obedient Serv^{ts}

George Plater
 Will^m Dent.

May the 11th 1696.

Cornelius Cornelius Comegys of Cæcill County being
 Comegys brought in custody of Coll Casparus Herman by
 Appearance & dismissall Vertue of the above Ord^r was after some Examination,
 and vpon his petition here preferred that he was blamed
 wrongfully and that he left his Wife & Children without any
 assistance, and being a frontier plantation lyes exposed to the
 Enemy; therefore humbly prayed that he might be dismissed Whitehall
 & have leave to Return home to his ffamily; His Excellency
 therevpon (after some gentle Reproof & advice given him)
 was pleased to acquaint him that as to his trading with the
 Indians he should have all the Encouragem^t imaginable, as
 well from the Gentlemen of the Councill as himself, provided
 he dealt fair & Committed no illegall Act, and that nothing
 would be Enjoyned him by this Board save his giving good
 security in the sume of 100^{lb} St^l to his Ma^{ty} for his future
 good behaviour, the which M^r Attorney Gen^l is Ordered to
 take accordingly & so was dismissed.

Clk of Dor. Came Hugh Eccleston Clerk of Dorchest^r County
 Co: Court Court and made Oath to a List of ffines passed in Whitehall
 makes Oath to ffines the said Court from the beginning of the Revolution
 vnto this time.

Clk of the Came also Clerk of the Indictm^{ts} of Whitehall
 Indictm^{ts} of the s^d Court, and was sworn accordingly.
 Dor. Co: Court sworn

The following Letter & Papers of Acco^{ts} were read in p. 308
 Councill the 11th of May 1696, and the said day laid before

Lib. H. D. the House of Burgesses for their consideration as by the Journall of that Assembly appears.

S^r

Govern^r of New York Letter to his Ex^{cy} I have Rec^d yours of the third of March & 17th of Aprill last for which I give your Ex^{cy} thanks As I never handled a penny of the publick Moneys of the Governm^t so I vnderstand not an Account I have Ordered an Account of all the Money transmitted from Virginia & Maryland to be drawn out which comes herewith I am likewise advised that the Quota of Virginia will be here shortly I expect them every day.

I must still insist to make application to you for the Quota of the Province of Maryland and desire to know by what time they may be got in readiness that I may take Measures accordingly none of the Vessells expected here from England are yet Arrived I heartily pray for the succes of his Ma^{ties} Arms and the preservation of his sacred person which is so frequently exposed to danger in that most noble vndertaking I am S^r

Yo^r Excell most humble Servant

N York

Ben: fletcher

Aprill 30th 1696.

The Governm^t of Maryland has Remitted the following Bills to the Governm^t of New York, for p^rsents in their behalfe made to the 5 Indian Nations, and towards the Defence of Albany, Viz^t

A ^o 1692	By 3 Bills of Exchange for £: 100 sterl. Assigned by Go ^r Copley but Returned protested except 37 th 12 ^s sterl paid to Coll de peyster with 25 p C: advance	£47:-:-
A ^o 1693	By Bills of Exchange for £362: 8-sterl Assigned by Govern ^r Copley & sold for 36 p C ^t Advance, but were all returned protested.	
A ^o 1604	By 8 Sets of Bills for £210: 0: 5 Strl sent to John Blakall & Paid to John Povy is with 30 p Cent advance.	£273: 0: 6
p. 309	More one Sett for £40: 7: 11 Sil paya- ble at Boston sold for 25 p C ^t advance is	£50: 9: 10 ³
A ^o 1695	By 31 Sets of Bills for £199: 18: 1 sterl sold for 28 p C ^t advance is	£255: 17: 6
	By Sets of Bills for £133: 8: 7 Strl As- signed by Gov ^r Nicholson & indorsed to M ^r Brook is with 30 p Cent advance	£173: 9
		£799: 16: 10 ³

Out of which is to be deducted as paid by
this Govern^t for Reexchange &
Charges of Gov^r Copleys Bills pro-
tested.

Lib. H. D.

£68 :

And for Expresses to Mary^ld on Acco^t of
s^d protested Bills

£31 : 10 : 6

£99 : 10 : 6

The Neat Sum^e in N. York Money is,
provided the Bills of A^o 1695 be Rec^d

£700 : 6 : 4¹

Errors Excepted

New York 28th Aprill }
1696 }

Tho: Monsey Dep^{ty} Coll.

The Govern^t of Virginia has remitted the following Bills
to the Govern^t of New York for p^rsents in their behalves
made to the 5 Indian Nations, and towards the defence of
Albany, Viz^t

1693

21 August By Bills New York Money

£600 : 00 :

By Ditto more

£ 50 :

1691. 21

Octob^r

} By Bills for £102:5:9 strl sold for

£130 :

Sep^{br}

By Bills for £100 strl sold for

£130 :

March

By Cash paid by Coll Cortland

£650 :

1692: 4th
1694 25th

New York Money £1560 :

Erro^r Excepted p

New York 28th April 1696

Tho: Monsey Dep^{ty} Coll.

Answer to the foregoing Letter follows in
these words Viz^t

Port of Annapolis May 19th 1696.

His Excell S^r

L^re to the
Gov^r of
New York

Yo^r Ex^{ncies} Letter of Aprill the 30th with the ab-
stract of the Acco^{ts} of Virginia & Maryland together

with your former Letters since the Assembly sate in October
were all laid before the House of Burgesses for their consider-
ation; but presently after their breaking vp. rec^d his Ma^{ties}
Royal Commands (concerning your Ex^{ncy} Money) of the 2^d of
Jan^{ry} last, vpon which & other his Ma^{ties} Royal Commands I
have Ordered the Assembly to Meet the first of July next, and
then it shall be communicated to them by him who is

Yo^r Excell most humble Servant

ffr: Nicholson

Lib. M. D.

The Rt Honble the Lords of the Council Let- ter to his Ma^y con- cerning the late Act of Parliam^t re- lating to Frauds &c.

After our very hearty Commendations; Whereas an Act has been past in this present Session of Parliam^t for the preventing frauds and Regulating abuses in the Plantation Trade. We have therefore thought fit to Notify unto You the s^d Act. A copy whereof is here inclosed for your better Information, to which We Refer You, Requiring and Command- ing you in his Ma^y Name to take Care that the s^d Act, and all other Laws made, for the Encouragem^t of Naviga- tion, and the Securing the Plantation Trade to this Kingdom be duly Published within his Ma^y Province of Maryland under your Governm^t and Strictly put in Execution by all persons whom it may Concern, according to the purport thereof; And Soe we bid you very heartily farewell from the Councill Chamber at Whitehall this 15th day of Aprill 1696 In the Eighth year of his Ma^y Reign.

Your Very Loving friends
J. Bridgewater
Stanford.

Govern^r of Maryland.

Bathe
Montagu Bradford
H. Goodricke

The Lords of the Councils Let- ter to his Ma^y giving an Accot^t of the ffrenches preparations Ag^t some part of America

p. 18

After our Very hearty Commendations; Whereas Information has been given that the ffrench are making preparations by Shiping and otherwise for an Attempt ag^t Some parts of America and have put on board a Considerable Quantity of Arms for that Purpose; We have thought fit by this Express to Notifye the Same to you to the End you may give the Necessary Ord^r for putting all things in the best Posture of Defence that may be within yo^r Governm^t and that you assure the inhabitants thereof that Such Speedy Assistance will be sent from hence as the State of Affairs at home Shall permit, with particular Reguard to the Exigency's they Shall lye under and so not doubting your Utmost Care and Vigi- lance herein We bid you very heartily farewell; from the Councill Chamber at Whitehall this 20th day of April 1696: In the Eighth Year of his Ma^y Reign.

Yo^r very Loving freinds

Govern^r of Maryland.

{ H Goodricke }	{ J Bridgewater }
{ J Smith }	{ Stamford }
{ J Boscawen }	{ Montagu }

May the 11th 1696.

Jon Broad- bent brought in Custody of Mr Collyer

Mr Thomas Collyer Navall Officer of the port of Williamstadt came & brought in his custody the body of Joshua Broadbent; who being acquainted by his Excell that he had sent for him for breach of an

Act of Assembly of this province, and asks him whether he did not transport & Carry in his Sloop several Goods from Williamstadt to Virginia, without paying the Ten p Cent, who says that he did take Goods on Board his sloop at Williamstadt which he carryed to Potomock & from thence to Virginia; Cap^t Rich^d Cheshire (a party concern'd in the s^d Goods) being called in & appearing was asked about the premises the said Cheshire says that he findshimself vnder a mistake and is ready to pay the s^d Duty, which he humbly Craves the favour off, and that no further proceedings may be made therein; Ordered that the s^d Matter be Referred to M^r Attorney & Sollicitor Gen^l for them to Report what the Law says in that Case, and in particular to his Ma^y Receiver. Lib. H. D.
p. 316

The which came Reported as follows Viz^t

In obedience to your Excell^{ty} Commands We have perused the within Representation & do humbly conceive that Goods transported from Williamstadt to Stafford County in Virginia ought to pay the Duty of Ten p Cent, pursuant to the late Act of Assembly in that Case made & provided, it not coming within the benefit of the Exception of that Law, it not being in potomock River & exported directly from thence to that Colony, all which is humbly submitted by

Yo^r Ex^{ncies} most obedient & humble Servants

George Plater
Will^m Dent

Cap^t Cheshire by his humble Petition here p^rsented, setting forth that having made Entry of the aforementioned Goods with the Officer of the port of Williamstadt appointed, was at the same time made sensible of the intended design of Carrying the same down to potomock and from thence to Virginia, and had permit from the Dep^{ty} Collector for the same accordingly who was of Opinion that Goods transported from the River of Potomock to Virginia were Duty free; therefore prayed no Advantage might be taken of that Seizure, being then & now also willing to pay the s^d Duty of Ten p Cent Which s^d petition & Case being put to M^r Attorney & Sollicitor Gen^l for Answer, Came Reported as follows, viz^t

To his Ex^{cy} the Govern^r in Council &c^a

In obedience to your Excell^{ty} Commands hereunto Annexed We humbly say that if the true Owner or Exporter of the Goods did make an Entry of them with the Officer appointed acquainting him where he intended to Export them, and the Officer Refused or Omitted to Charge the Exporter with Ten p Centum vnder misconstruction of that Clause in favour p. 317

Lib. H. D. of Potomock River in the Law mentioned as seems to have been intimated to your Ex^{ty} and is affirmed to Us.

If so We cannot discern the Owner or Exporter to be a willfull Offender; being rather mislead by the Officer, whose principle business it was to direct and demand of him than by any willfull designs or intent in him to frustrate the Law, therefore with your Excell good pleasure We conceive his present paym^t of the Duty will & may be sufficient satisfaction to the s^d Law &c^a

May the 12th 1696

Whitehall The Councill again Sate & were p^tsent as yesterday.

John Salter & Tho: Brough ordered to be summoned Upon Representation, Ordered that the Sheriff of Talbot County summons John Salter & Thomas Brough, that all Excuses set apart, they be & appear before his Excell in Councill, at the port of Annapolis the first day of July next to Answer; And that John Salter bring with him the Agreem^t by him Enter'd into about Talbot County Court house.

Clerks of the Co: Courts to Return perfecter Lists of the Co: Leavies Whereas the Clerk of each respective County Court having (pursuant to Ord^r) returned a List of their last County Leavy; but on pervsall of the same, finding severall Articles therein not mentioning the Reason of such Allowances made;

Ordered therefore that they Return a second List giving the Reason of every particular Article therein so charged and Allowed, vnto his Excell at the Port of Annapolis by the first day of July next.

May the 12th 1696.

The said Report being Read was ordered to be indorsed thus, Viz^t By his Ex^{ty} the Govern^r & Councill, &c^a

May the 12th 1696

The within Report is Approved off & Ordered thereupon as it is hereby Ordered that the s^d Cap^t Cheshire paying or securing to be paid unto the Navall Officer of the Port of Williamstadt the Ten p Cent Duty for what goods were transported to Virginia in M^r Broadbents Sloop within mentioned, that the said Sloop be thereon dismissed from vnder Seizure.

Signed p Ord^r
Hen: Denton C of Concil.

Edwd Greens Lib. H. D.
 Lre touching Green of the thirtieth of Aprill last, vnto his Excell Whitehall
 2 sprig sent and directed setting forth the late casting up of p. 335
 Whales & two sprig Whales vpon the Sea side, in Somerset
 Ord^r &c^a County; Ordered that the hono^{ble} Coll George Robotham
 Judge of the Court of Vice Admiralty on the Eastern shore
 have inspection into that matter, and that Copy of the s^d Greens
 Commissions from his Excell for Wrecks and Drift Whales
 &c^a be given him together with the said Letter for him to
 take such care therein as the Law shall direct.

May the 13th 1696

The Councill again Sate & were p'sent as before.

Produced & Read a Proclamation drawn, vpon a proposall Whitehall
 made to the House, relating to the encouraging the inhabi-
 tants of the two ports of Annapolis & Williamstadt, which
 was signed by his Ex^{ncy} & passed the Broad Seal of the Prov-
 ince The said proclamation follows in these Words, Viz^t

By his Ex^{ncy} the Cap^t Gen^l &c^a

Maryland ss.

A

Proclamation

Proclamation relating to the inhabi-
 tants of An-
 napolis &
 Williamstadt: Whereas for the future Encouragemen^t of the
 inhabitants living within the two ports of Annapolis
 & Williamstadt it hath been considered that a dis-
 pensation of a certain Act of Assembly of this
 province Entituled an Act ag^t Engrossing &
 Regrating towards the inhabitants of the afores^d two ports Whitehall
 & Towns would conduce much thereto; Whereupon
 a proposall to that intent being laid before the house of Bur-
 gesses by the Hono^{ble} his Ma^{ty} Councill of this province and
 on both sides Agreed to and passed into an Ordinance, I
 have therefore by advice thought fit to Notify and make known,
 and I do hereby accordingly proclame & declare that all per-
 sons actually inhabiting and Residing within the Port & Town
 of Annapolis & Port & Town of Williamstadt afores^d may
 (for the future) freely deale for, Bartar & Buy any manner of
 Goods Wares and Merchandizes whatsoever there imported
 & sell & dispose thereof again at pleasure, any thing in the
 s^d Act contained to the contrary thereof notwithstanding p. 336
 Provided the s^d persons so dealing, buying and selling do
 actually live and Reside with their ffamily within one of the
 afores^d ports and not otherwise; And that due Notice may be
 given, I do hereby Command the severall Sheriffs of the prov-

Lib. H. D. ince to make proclamation hereof, in all publick places of meeting within their respective Counties; Given at the Port of Annapolis this 13th day of May in the Eighth year of his Ma^{ty} Reign &c^a Annoq Domini 1696.

God Save the King. ffr: Nicholson

Whitehall Produced also & Read a Proclamation drawn, vpon a Propo-
sall made to the House, relating to building Bridewells, which
was signed by his Ex^{ty} & passed the Broad Seal of the
Province.

The s^d Proclamation follows in these Words, Viz'

By his Ex^{ty} the Cap^t Gen^l &c^a

Maryland ss: A Proclamation

A Proclama-
tion Relating
to Bridewells
&c^a Whereas a Propo-
sall being made to the House of
Burgesses by the hono^{ble} his Ma^{ty} Councill of this
province in Assembly lately met & Convened, for

the Erecting a publick Bridewell or house of Correction,
wherein all idle & Vagrant persons may be put and kept at
worke, by which Propo-
sall it was also signified, that if any
person or persons would vndertake to build & keepe the
same, at their own proper Charge, they might have Lease
thereof for terme of years &c^a And forasmuch as the Gen-
tlemen of the House of Delegates & Burgesses have by
their Assent to the s^d proposall exprest their well liking &
approbation of the same, have therefore (by advice in
Councill) thought fit to publish and make known and do
accordingly proclame & signify that such persons as are
minded & willing to vndertake and Manage such a Concern,
that they would draw vp in writing what proposalls they have
to Offer in or about carrying on & managing the s^d Design
by them to be transmitted vnto the Justices of the severall
County Courts for them to do therein, according to the Laws
& Usuall Customs of England in such Case, and of this
p. 337 Countrey, hereby strictly Commanding the severall Sffes of
the province to make Proclamation hereof in all Churches,
Chappells & other publick places of Meeting within their
respective Counties; Given at the Port of Annapolis vnder
the Broad Seal of the Province this 13th day of May 1696,
and in the Eighth year of the Reign of our Sovereign Lord
King William the third &c^a

God Save the King. ffr: Nicholson.

The Commandⁿ of the Rangⁿ }
Order'd to pursue their
Instructions. }

Lib. H. D.

Peter fflowler & al petition & Ord^r thereon transmitted to the Adm^{lly} Court.

Came Cap^t Richard Brightwell & Cap^t Oldton Commanders of the two parties of Rangers, who being asked by his Excell whether they had Received the Instructions lately sent them from this Board; who say they have: they are Ordered strictly to pursue the same.

Coll Thomas
Order'd to
deliver Cap^t
Oldton
8pds of
powdr &c^a
Ordered that Coll John Thomas deliver vnto Cap^t John Oldton Commander of the party of Rangers in Baltemore County, Eight pounds of powder out of the publick powder laid lodged in his hands, for which he is to take Receipt & Return to this Board.

Coll Addison
Order'd to
Deliver
Cap^t Bright-
well 8 pds of
powder.
The like Ord^r issued to Coll Addison for to deliver vnto Cap^t Brightwell Eight pounds of powder also &c^a

Ordered that six Muskets belonging to the Countrey lodged in Coll Addisons hands & by Order delivered to Cap^t Brightwell be by him still kept & made vse off vntill further Ord^r Rec^d to the contrary.

By his Excell. the Govern^r & Councill &c^a

P. 334

May the 14th 1696.

Ord^r for Col-
lection of the
Additional
6d p bhd on
tob^o import-
ed from
Virga &
shipt here
Ordered that the Collectors & Navall Officers do for the future take care to Collect & Receive the Duty of six pence p hogshead, Viz^t the 3^d due to his Ex^{cy} the Govern^r & the Additionall 3^d due to the Countrey for every hogshead of Tob^o imported from Virginia & shipt here; this Board having Rec^d the Opinion of the Lawyers in that case; And for all such Tobacco as has heretofore been imported & shipt without paying the s^d Duty, that they Use their vtmost Endeavour to Receive the same from the severall Masters of ships or others concern'd therein

Whitehall

Signed p Ord^r.

Hen: Denton C of Concil

Lib. H. D.

May the 15th 1696.

Whitehall

The Councill again Sate & were

p'sent

His Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l &c^s.

Coll Henry Jowles	}	Coll Charles Hutchins	}
Coll George Robotham		Coll David Brown	
Coll Nich ^o Greenberry		Coll John Addison	

Thomas Brook Esq^r

p. 338 Lre to Coll
Addison
touching a
Murther
done in
Charles
County &
Ord^r there-
about.

Whitehall

Produced & Read a Letter by the hono^{ble} Coll John Addison Rec^d of yesterdays Date from Charles County, giving an Acco^t of one of the Men belonging to the Garrison there being lately killed by Indians; Ordered therevpon that the s^d Coll Addison go & inquire of the Empero^r of piscattoway thereabout & forthwith give Notice of the s^d Murder to the inhabitants of the Colony of Virginia & Raise Ten or a dozen men to secure the Garrison whilst the Rangers go out in pursuit of the Murderers, and that he furnish them with powder & Amunition necessary; and if occasion Require, to Raise more force & send his Ex^{ncy} speedy Word, who will come in person.

Coll Beale
Order'd to
Raise Men
vpon the
above oc-
casion, if
necessary

Whitehall

Coll Ninian Beale was sent for who came, vnto whom the afores^d Letter was also Read; Wherevpon his Ex^{ncy} told him, th^t he being more peculiarly Commissionated to looke after such like Matters, was therefore Ordered to take all speedy & imaginable care therein, and to Raise what Men he found necessary vpon that occasion.

Tho: Jones
Dep: touch-
ing the
Indian
Awalo dd to
M^r Boothby
for inquiry
&c^s

The Deposition of Thomas Jones of Baltemore County touching the Indian Awalo taken & Read, was delivered to M^r Edward Boothby to Return an Acco^t of the Examination of Robert Love his Wife & M^r Staley.

p. 340

May 15th 1696.

Pocomoke
Indian Land
Ord^r r for
Resurvey
thereof

Whitehall

Read Copy of an Ord^r of Somerset County Court, relating to the pocomoke Indian Land being p^re-
sented by King Daniell and seaven other of the s^d
Kings Subjects, the said Indians humbly complain-
ing that one John Parker had intrenched within their Bounds

given them by the Lord Baltimore & persisted therein, not- Lib. H. D.
withstanding the afores^d Ord^r of Somerset County Court to
the contrary; Wherevpon his Excell was this day (by advice in
Councill) pleased to Ord^r as it is hereby Ordered that the
Justices of Somerset County Court do Carefully Examine & in-
quire into the Bounds of the Land given by Lord Baltimore
to the Pocomoke Indians, within the s^d County & that they cause
the Bounds thereof to be Resurveyed & rune out, and when
ascertain'd that publick Notice be given to all the inhabitants
& others of the s^d County that they presume not to Encroach
vpon or seat within the s^d Bounds, nor give vnlawfull disturb-
ance to the Indians thereon living, according to the Articles of
Peace with them concluded; And that the party or parties act-
ing or doing contrary be forewith bound over, either to the
provinciall or County Court to Answer the same as a disturber
of his Ma^{ty} peace &c^a

Robt Brad- Vpon Representation Ordered that Commissions
ley & Robt issue to constitute M^r Robert Bradly & M^r Robert
Middelton Middleton for Coroners of Prince Georges County
constituted
Coron^{rs} of
Prince
Georges Co:

Mr Tho: And that M^r Thomas Addison be constituted p. 341
Addison con- Surveyo^r of the s^d County, which accordingly issued
stituted & were signed by his Excell & passed the Broad
Surveyo^r of Seal of the province.
Prince
Georges
County

At a Councill held, May the 16th 1696.

Present

His Ex^{cy} ffrancis Nicholson Esq^r Cap^t Gen^l &c^a
Coll George Robotham } Coll David Brown
The hono^{ble} Coll Nich^s Greenberry }
Coll Charles Hutchins } Thomas Brook Esq^r

Coll Courts Produced & Read a Letter of Excuse from the Whitehall
Lre of Ex- hono^{ble} Coll John Courts for his not coming pursu-
cuse for not ant to Appointm^t & promise; to which an Answer
coming &c^a was by Order writ, th^t his Letter was Rec^d & do thanke him
for his News, but are sorry they had not his Company.

May the 16th 1696.

S^{he} of Cæcil The Sheriff of Cæcil County Appearing, the s^d
Co: Answer petition was Read to him, and being asked severall
to Mallons Questions thereabouts he denyed the Matter of ffact,
pet &c^a Wherevpon he was Ordered to make Answer to the s^d petition

Lib. H. D. in Writing, w^{ch} (after some time granted) he p^resented to the Board accordingly; Ordered that the same be sent to the hono^{ble} James ffrisby Esq^r.

Maj^r Dorsey
Delivers the
Broad Seal
&c^a
Whitehall
p. 315
Came the hono^{ble} Maj^r Edward Dorsey one of the Commission^{rs} in Chancery & delivered at the Board the Broad Seal of the province, which was by Ord^r surrender'd vp to the hono^{ble} Coll Henry Jowles Chancelour for his keeping, during his Residence in Town. His Excellency is pleased to acquaint the Board concerning some Goods lately imported in Cap^t Cheshires ship, now Riding at the port of Williamstadt on the Eastern Shore; how that by an Acco^t given by the hono^{ble} Coll John Courts, his Excell does vnderstand that Joshua Broadbent of Dorchest^r County had by Order of the Merchant of the s^d ship lately transported in his Sloop a considerable quantity of Goods from the s^d Vessel to Stafford County in Virginia without paying the Ten p Cent according to the late Act of Assembly or making any Report thereof, and by that meanes has defrauded his Ma^{ty} of the s^d Duty, as by the Examination of the severall Navall Officers had, does appear;

Joshua
Broadbent &
Sloop Order-
ed to be
Seized
Ordered therefore that the high Sherrieff of Dorchest^r County do (vpon sight hereof) immediately search for & seize as well the s^d Sloop & Boat thereto belonging as also take into his Custody the body of the said Joshua Broadbent, so that he have the s^d Broadbent before his Ex^{cy} in Councill with all convenient speed to Answer &c^a

May the 16th 1696.

The following petition preferred by Cap^t Richard [Cheshire] was Read, Viz^t

Capt Richd
Cheshires
pet.
To his Excell ffancis Nicholson Esq^r Capt Gen^l & Govern^r in Chief in & over his Ma^{ty} Province & territory of Maryland & his Ma^{ty} hono^{ble} Councill &c^a

p. 318 The humble Petition of Richard Cheshire of Bristoll Marriner &c^a

Humbly Sheweth

That your Petition^r being employed by S^r John Duddleston of Bristoll to sell & dispose for him a Cargo of Goods for loading a ship, whereof your pe^r is Mast^r and finding Tobacco very scarce in Maryland, and hearing it was plenty in Virginia did transport part of his Cargo into Virginia

within potomock River, and in Ord^r therevnto made an Entry Lib. H. D.
with the Officer at Williamstadt, who gave your pet^r a permit
for Potomock River. That since your pet^r Return, his Sloops
in which the Goods were transported have been Seized, And
your pet^r therevpon Applied himself to yo^r Ex^{ncy} And although
your Pet^r was informed as well by the Officer as others that
pretended to know the Laws of this province, that it was law-
full to transport any Goods or Commodities to Virginia in po-
tomock River without paying the Duty of Ten p Cent impos-
ed by Act &c^a Yet your Pet^r was rather willing to pay the
same then any ways in the least displease your Excell by con-
tending the matter &c^a That since that your Pet^r is informed
that your Ex^{ncy} has been pleased to condescend so farr as to
Assent to an explanatory Law by the Burgesses & Delegates
of this province prayed for, that the former Act should not be
construed to Extend to Virginia, but that it should be lawfull
to transport Goods from this place to Virginia without any
such Imposition. That your pet^r is only a servant to S^r John,
and what he did was in discharge of his trust without the least
thought or intention of Evading any Act or Law of this pro-
vince, and your pet^r knowing that many had transported Goods
out of Maryland to Virginia in Potomock River without paym^t
of the Duty was the easier perswaded therein, neither has any
other paid it as your Pet^r can vnderstand, by means whereof p. 319
your Pet^r if compelled to pay it must needs come vnder his
Employers Reflections, being the only person paying the same
for transporting to Virginia in potomock River although
many others have done the like as well as your pet^r And
whereas this present Gen^l Assembly have declared that it was
never intended such Goods Exported to Virginia should pay
the s^d Impost your Pet^r humbly prays your Excells favour there-
in and th^t your pet^r by your Excell & Councils goodness be
remitted of the s^d Imposition of Ten p Cent, and his s^d Sloops
seized as afores^d discharged.

And as in Duty he shall &c^a

The which being Read, the following Remarkes were made
thereon, Viz'

1st That he make Appear that the Officer at Williamstadt
informed him it was lawfull to transport any Goods to Virginia
in Potomock River, without paying the Duty of Ten p Cent.

2^d How he was willing to pay the same, seeing he trans-
ported the Goods without paying the s^d Duty.

3^d That he make it appear what persons have transported
Goods out of Maryland to Virginia without paying the s^d
Duty.

Lib. H. D. 4^{thly} It is observed that by the whole scope of his petition he makes as if he were the only person Aim'd at to pay the said Duty, out of some prejudice conceived by the Governm^t of himself or his Employers.

Lastly as to the late explanatory Act about the s^d Duty, it is Referred to M^r Attorney & Sollicito^r Gen^l to Advize whether the Law can looke back to an Act done before, as also that they consider of the above Remakes & petition & Return their Report to this Board accordingly.

p. 320

To his Ex^{ty} the Govern^r & Councill &c^a

In Obedience to your Excell^{ty} Commands herevnto Annext We humbly say—

1st Cap^t Cheshire being demanded by Us how he could make it appear that the Officer at Williamstadt informed him it was lawfull to transport &c^a He saith he can prove the same.

2^d He says he was willing to pay the Duty of Ten p Cent had the same been demanded of him.

3^d He pretends not to make appear any other Goods Transported to Virginia, but in potomock River, from one side to the other.

4th Being by Us demanded what he meanes by these Words, he declares that if his Intentions are not so clearly Expressed as it should be, that he is extremely sorry for the same, for that he is so farr from conceiving any such thing, that he is sensible of many favours rec^d in this Concern, but that he is doubtfull his Employer should suspect & Accuse him for ill Managem^t &c^a And lastly as to the late Explanatory Act We conceive that in Reguard the Representative Body of this province has declared that it never was their intent the s^d Act should extend so farr as to Charge the Ten p Cent on Goods carryed to Virginia & no farther, and that the Duty was to be Applyed to the vse of the Province, it remains with your Ex^{ty} & Councill either to Require or Release &c^a All which is humbly submitted to yo^r Ex^{ty} by

Yo^r Excell^{ty} most obedient
Servants

George Plater
W^m Dent

By his Ex^{ty} the Gov^r & Councill

May the 16th 1696.

The Report of M^r Attorney & Sollicito^r Gen^l vpon the above Remakes & Ord^r being Read; as to the first where the Pet^r

says he can make proof &c^a He is Required to do it. As to Lib. H. D. the last, this Board did Referr to have their Opinions in matter of Law & not in matter of favour, and therefore Ordered that their Report be return'd what the Law say's in that Case.

Signed p Ord^r

Hen: Denton C of Concil

Came M^r Thomas Collyer Navall Officer &c^a who by his humble petition prayed that consideration might be had for his trouble & Expence of Seizing the aforementioned Sloops, which was in like manner also Referred.

Wherevpon M^r Attorney & Sollicito^r Gen^l Reporting that in as much as the Gen^l Assembly has declared by a Law that the Ten p Cent Act was never designed to extend Goods Exported for Virginia only are therefore of Opinion that respect may be had to the intent of the Law makers in this case.

As to M^r Collyer, that he ought to be allowed his legall Charge & Expences.

As to the proof Required &c^a the same is made apparent by the Depositions of W^m Taylard & Joshua Broadbent here produced, which were Read & Ordered to be lodged among the Councill papers.

Ordered therevpon as it is hereby Ordered that the Ten p Cent for the aforementioned Goods Exported &c^a be taken off And that the Sloops exporting the same be dismissed from vnder Seizure accordingly, paying the Officer his just ffees therefore.

Commis-
sion^{rs} & Clk
of the Court
of Review
&c^a ffees
Order'd

Ordered that what ffees are taken by the hono^{ble} the Secretarie of this province, that the same be allowed to & taken by the Clerk of the Speciall Court of Review inter Ligan & Crauford & no more, and that the Commission^{rs} be allowed the same, as the Gentlemen of the Councill are. Ordered that the s^d ffees be taken for Appeals & Writs of Error brought before his Excell & Councill &c^a

May the 18th 1696.

The Councill again Sate & were p^resent as before.

Whitehall

Lre from the
Comodore
Read & Ordr
inde

Produced & Read a Letter by his Excell rec^d from Cap^t Jackson Commander of his Ma^{ty} hired ship, the Smirna Merchant of the 14th instant giving an Acco^t of his being Ordered to Virginia together with his Ma^{ty} hired ship, the Tyger for convoying the ships now in the Countrey for England, desiring Answer when the ships here will be ready: Whitehall

Lib. H. D. Ordered therevpon that the Collectors & Navall Officers
 p. 341 take care to give Notice to the severall Masters of ships within
 their respective Districts for to Return an Acco' to his Excell the
 Govern' in writing what time the s^d ships (now in the Countrey)
 will be ready to Sayle, and th' none of them be Cleared, but
 what shall give Bond to go down to Point Comfort in Virginia
 to joyne his Ma^{ty} s^d hired ships there, in Ord' to go vnder their
 Convoy.

Produced & Read the following Petition p^resented by the
 Clerk of this Board, Viz'

To his Excellency Francis Nicholson Esq^r Cap^t Gen^l &
 Govern' in Chief in & over his Ma^{ty} Province & Territory of
 Maryland; and to the hono^{ble} his Ma^{ty} Councill thereof.

The humble petition of Henry Denton Clerk of the said
 Councill, and (by Speciall favour) appointed Clerk vpon a Com-
 mission of Review.

Henry Den- Sheweth
 tons petition

about his
 fees of the
 Speciall
 Court &c

That whereas vpon a List of fees taxed (by the
 hono^{ble} the Commission^{rs} appointed for Reviewing a
 certain sentence of a Court of Delegates in a matter
 of controversy depending betwixt one George
 Lingan, Adm^r &c^t of John Abington deceased Complainant
 & James Crauford Def^t) and p^resented for the Regulation of
 this hono^{ble} Board; your Excell & Hono^{rs} finding no Act of As-
 sembly of this province, directing the settlem^t of any fees proper
 to be taken by the Clerk of such Court, were therefore pleased
 to Ord^r the same fees as are (by Act of Assembly) to the
 hono^{ble} the Secretary prescribed; as also the like for Appeals &
 Writs of Error before your Excell & hono^{rs} brought; but your
 petition^r (vpon Inquiry) conceiving that business determinable
 in such Superiour Courts have fees proportionably Allowed;
 does therefore most humbly pray that the afores^d Ord^r may be
 at present suspended & not become a standing Rule, untill
 such time as the Assembly does either settle those fees by an
 Act or that your Petition^r can procure an Authentick Copy of
 fees (out of England) taken in like cases; your Pet^r being very
 willing (in the interim) not to medle with or demand any satis-
 p. 342 faction for Matters of that nature vntill the same be Adjusted
 & settled as afores^d But as for what Judgm^{ts} vpon Appeals &
 Writs of Error have already passed before your Ex^{ty} & hono^{rs}
 your Pet^r most humbly Craves the Costs thereon ffild may be
 confirmed the Attorneys being guided in filing their s^d Bills of
 Cost according to the constant practice & Rules for taxing
 Cost of like Nature, not only in the Lord Baltemores time, but

also during the Govern^t of his Excell^y Lyonell Copley Esq^r his Lib. H. D.
Ma^{ty} late Govern^r in Chief of this province; the Record being
made vp answerable thereto; for your pet^r did not in the least
question that any Error could have been committed by him in
following that Rule, untill the Assembly had considered an Al-
teration therein, which they have not yet done, notwithstanding
your pet^r did lay before the House (at their own instance) a
List of fees, by the Rule & practice afores^d taken; Your Pet^r
therefore does submissively hope for & beg that a favourable
construction may be put vpon all these Matters & his Request
Answer'd in confirming, what in matters of Appeal &c^a has
before been past, and in suspending the aforementioned Ord^r
for the present Regulating of the fees of both Courts, as is
afore promised, & your Pet^r as in duty bound,

Shall Ever pray &c^a

By his Ex^{cy} the Govern^r & Councill &c^a

May the 18th 1696.

Ordered (at the Request of the Pet^r) that the fees due to him
as Clerk of the Speciall Commission of Review, as also the
fees due to him vpon Appeals & Writs of Error brought be-
fore this Board, be left in suspense & nothing taken by the
pet^r vntill such time as the Gen^l Assembly of this province do
declare by a Law what fees shall be taken for the same, and
that a former Ord^r of this Board therein, be at present sus-
pended, according to the prayer of the pet^r

Signed p Ord^r Hen: Denton Cl Concil.

Produced by his Ex^{cy} to the Board a letter by him lately
Received from the hono^{ble} S^r Thomas Lawrence Baronet Sec- p. 343
retary of this Province giving an Account of a most horrid &
barbarous conspiracy intended against his Ma^{ty} sacred person, Whitehall
and of the happy discovery of the same; Ordered that M^r
Speaker with what Members of the House of Burgesses are
now in Town together with the Chief Justice of the Provincia^l
Court be sent for to Attend this Board, that the same may be
imparted vnto them, that the true Report thereof may by them
be dispersed throughout the province for fear of false Reports;
who accordingly came vp & the s^d Letter was Read
vnto them.

May the 19th 1696.

The Councill again Sate & were p'sent as before.

Whitehall

The Lords
Letter re-
lating to the
Conspiracy
read

Produced & Read a Letter by his Excellency
Rec^d from Whitehall signed by Eight of the Right
hono^{ble} the Lords of his Ma^{ty} most hono^{ble} privy
Councill of the 10th of March past signifying his Ma^{ty}

Lib. H. D. happy deliverance from a late horrid Conspiracy together with
 Whitehall a proclamation for a thanksgiving day and severall other
 printed papers &c^a giving the concurrent Account of the said
 Conspiracy as also a paper of News rec^d from the hono^{ble} John
 Povey Esq^r one of the Clerks of his Ma^y most hono^{ble} privy
 Councill, setting forth the manner of the s^d Conspiracy; Order-
 ed that M^r Speaker, the Burgesses and Justices of the Provin-
 ciall Court (now in Town) be sent for to hear the same Read,
 and that Copyes of the said severall papers be prepared to be
 sent to the severall Counties of the province & published for
 prevention of false Reports, and that all the Clerks in Town
 be imployed to write the same out, there being no printing
 press here (at present) imployed.

Ordered that a Proclamation be prepared for a day of pub-
 Whitehall lick thanksgiving for so rich Mercy extended to his Most
 sacred Ma^y & Kingdoms, in the preservation of his person
 from the treacherous & wicked Attempts & designs of his
 Enemies; to be kept thursday next by all persons residing
 within the Port of Annapolis & that day Month after within all
 the Counties of the Province.

P. 345 His Mats
 Letter
 touching
 Assistance
 to New
 York Read

Afterwards produced & Read his Ma^y gracious &
 Royall Letter of the 2^d of Jan^y last past vnto his
 Excell sent & directed signifying the Royall Com-
 mand in Relation to the present assistance to be
 given to New York; Ordered that (for the generall

Whitehall satisfaction of the whole province) the heads of the s^d Letter
 be drawn forth, to be sent & published in the severall Counties
 of the province, which was accordingly done.

Whitehall A proclamation for a publick thanksgiving being prepared,
 was signed by his Ex^{cy} & passed the Broad Seal of the prov-
 ince, the which follows in these Words, Viz^t

By his Ex^{cy} the Cap^t Gen^l &c^a

A Proclamation

for a publick Thanksgiving

Maryland ss:

proclamation
 for a publick
 thanksgiving Whereas by a Letter Rec^d from the R^t hono^{ble} the
 Lords of his Ma^y most hono^{ble} privy Councill of the
 Tenth of March past & this day read in Councill,
 giving an Account of a wonderfull & happy deliverance of his
 Ma^y sacred Royall person from a barbarous intended Assas-
 sination and of a designed Invasion by the ffrench vpon his
 Whitehall Ma^{ties} Kingdom, whereby not only the destruction of his Royall
 person was plotted, but the totall subversion of the Governm^t

and of the Religion & Liberties thereof; which by the great Lib. H. D.
providence & mercy of Almighty God was (by a timely discovery) prevented; and duly considering that such great & publick Blessings do Call for publick and solemn acknowledgment^u I have therefore thought fit (by the advice of his Ma^{ty} hono^{ble} Councill) to issue this my proclamation, hereby appointing & Commanding that a generall thanksgiving to Almighty God for these his Mercies be observed on thursday next within the Port & Town of Annapolis by the Justices of the provinciall Court now sitting and all the inhabitants & others then & there residing, and in the severall Counties & places within this province, on the third thursday in June next, strictly charging all his Ma^{ty} loving Subjects within the same to abstain P. 346
from servile & corporall labour on those days & religiously to keep the same, and that the Ministers of the severall parishes do then Read divine Service & preach, as they will answer the contrary; And to the end due Notice hereof may be given, I do further Command the severall Sherriffs of the province to make Proclamation hereof in all Churches, Chappells & other publick places of Meeting within their respective Counties; Given at the port of Annapolis vnder the Broad Seal of the province, this 19th day of May in the Eighth year of his Ma^{ty} Reign &c^a Anno Domini 1696.

God Save the King. ffr. Nicholson

On the back of the s^d proclamation was thus written, Viz^t Whitehall

The Sherriffs are also Required to give Notice to the Gentlemen of his Ma^{ty} hono^{ble} Councill & Members of the House of Burgesses within their respective Counties, that the Royall Commands being Rec^d the Assembly will sit according to prorogation on the first of July next.

Signed p Ord^r

Hen: Denton Cl Concl.

M^r Speaker, the Burgesses & Justices of the Provinciall Whitehall
Court do pursuant to Ord^r come vp, to whom was Read the afores^d severall Letters & papers; the Acco^t whereof (by private Letters, and from the hono^{ble} S^r Thomas Laurence Baron^t Secretary) was also given them yesterday; After which his Excell was pleased to Express his joy for the s^d happy News of deliverance, by a publick Entertainm^t made to the Gentlemen, begining his Ma^{ty} health.

Lib. H. D.

May the 20th 1696.

The Councill again Sate & were

Whitehall

p^sent,

His Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l &c^a

Coll George Robotham	} Coll David Brown
Coll Nich ^o Greenberry	
Coll Charles Hutchins	

p. 347 Nantecoke
Indians
appear &
make a
present

Whitehall

The Nantecoke Indians appear at the Board, who signified by their Interpreter that there were seaven Towns belonging to them, and th^t one out of each Town was sent in the name of the rest, to pay their acknowledgm^t and accordingly each of them made a present of skins; to which his Excell was pleased to Return for Answer that it was not his Custom to Receive any presents, but however he would (as an acknowledgm^t of their kindness) accept of one skin from each Town but that for the future, when they had any Business here they should forbear bringing presents, for that their business should be as fully answered without as with p^sents.

Then they further acquaint his Excell that there are three Towns more belonging to them, for which they Offer three skins, as an Acknowledgm^t for the s^d three Towns and desire to know in generall his Ex^{cies} pleasure; who is pleased to tell them that he Ratifies & confirms whatsoever power Govern^r Copley had before given them, and in Return of their p^sents gave them a p^sent of severall bottles of Ru^me.

The following Report of M^r Attorney Gen^l vpon S^r Thomas Laurence's petition & the Lord Baltmores answer about the Land Office &c^a being Read, was Ordered to be Entred in the Journall of this Board, being a Copy from the Originall attested by the hono^{ble} John povey Esq^r one of the Clerks of his Ma^{ty} most hono^{ble} privy Councill, together with a Copy of the Ord^r of Councill thereon, attested by the hono^{ble} S^r Thomas Laurence Baron^t Secretary of this Province.

May it please your Majesty

Mr Attorney
Gen^{ls} Re-
port vpon
S^r Tho:
Laurence's
petition
about the
Land Office

p. 348

In humble obedience to your Ma^{ty} Ord^r of Reference of the ffourth of this instant Jan^y vpon the petition of S^r Thomas Laurence Secy of Maryland relating to his Office & the passing Grants in that Province; and the Lord Baltmores Answer therevnto I have heard both parties therevpon, and the first thing in controversy between them, being whether the

Warrants & patents for Land in that province to be granted by the Lord Baltimore the proprietor thereof, and the Returns & Entries of Certificates from my Lords Surveyor ought of Right to be prepared & pass through the petition^r Office, or by such persons as my Lord Baltimore should think fit to Appoint; my Lord Baltimore to Avoid any further Dispute therevpon did Offer, that in Case such Warrants & Grants & Certificates might be prepared & passed by his Officers, That such fees as are allowed by the Acts of Assembly there for the same should be equally divided between the petition^r & the Secretary of the s^d province for the time being & his Officers, which Offer the Petitioner is willing to comply with as to his own concern therein, if your Ma^{ty} shall think fit so to direct. Lib. H. D.

The next thing in question being whether such Grants to be made by the Lord Baltimore should pass under his Lo^{ps} Seal or vnder your Ma^{ties} Greater or Lesser Seal of that province, in custody of your Ma^{ties} Chancellor there.

The Lord Baltimore made the same Offer as before, that the fees for sealing such Grants should be divided between those persons he should Appoint to Seal such Grants & your Ma^{ties} Officers in whose custody your Ma^{ties} Lesser & Greater Seal of the Province shall be, so as he may have leave to Seal such Grants with his own Seal; which Offer the Petition^r is willing to comply with, if your Ma^{ty} shall think fit to approve thereof; and as to all the other Matters mentioned in the said petition, Viz^t that all such Grants & Patents to be made by the Lord Baltimore should be Recorded in the Petitioners Office, and that the Records of that Province Which are the Inrolled Securities of all the ffreeholders Estates there, may Remain in the petⁿ Office as Secretary, who has given security for the safe keeping thereof, and that the vsuall fees for searches & Copyes of the same may be paid by the Lord Baltimore & his Agents as well as by other persons, and that no searches may be made into the s^d publick Records but by the proper Officer appointed with such fees as are settled by Law, I am humbly of Opinion that what the pet^r desires therein is reasonable, except only that the Lord Baltimore may have leave by his Servants and in the p^sence of the petition^r or any appointed by him to make search, and take Copy's of former Grants & Patents in Ord^r to make vp his Rent Rolls without paying any fees for the same, which the pet^r does not oppose. p. 349

All which is humbly submitted to your
Ma^{ties} Royall Wisdom

Jan^{ry} the 21th 1695.

Thomas Trevor

A true Copy Ex^d

p John Povey

Lib. H. D. At the Court at Kensington, the 13th of febr^y 1695.

Present

The Kings most Excellent Majesty.

Lord Arch B. of Canterbury	}	Earl of Bridgwater
Lord privy Seal		Earl of Stanford
Lord Steward		Earl of Monmouth
Marquess of Winchest ^r		Earl of Tankerville
Lord Great Chamberlain		Viscount Dursley
Lord Chamberlain		M ^r Secretary Trumball
		M ^r Smith

Vpon Reading this day at the Board a Report of S^r Thomas Trevor Knight his Ma^{ty} Attorney Gen^l in the Case of S^r Thomas Laurence Secretary of Maryland in the Words following, Viz^t May it please your Ma^{ty}

In humble Obedience &c^a (Reciting this Report Verbatim) Which being taken into consideration, His Ma^{ty} was pleased to Approve thereof & to Order in Councill that the said Report & every part thereof be duly complied with as well by the s^d Lord Baltemore as the Petition^r and to that End doth direct that this Ord^r be Recorded in the Petition^r said Office of Secretary of Maryland

John Nicholas

Whitehall, March the 11th 1696/5.

A true Copy Ex^{ad} by me

Thomas Laurence.

May the 20th 1696.

Coll Beal
brings in
custody an
Indian

Came Coll Ninian Beale before his Excell^{ty} the Govern^r & the hono^{ble} Coll Charles Hutchins, who signifying that he had brought an Indian belonging to the Emperour of piscattoway, being surrender'd vp by the s^d Empero^r & his great Men, as a suspicious person to have been concern'd in the Murther lately Committed in those parts, and of his threatning to bring florraign Indians to do mischief there; as by a paper vnder the s^d Empero^r & two other of the great Mens hands produced, did appear; Wherevpon the s^d Indian being sent for & examined, was Committed into the Custody of the Sherriff to be close confined.

Whitehall

P. 339

At a Councill, May the 21th 1696.

Lib. H. D.

present

His Ex^{cy} Francis Nicholson Esq^r Cap^t Gen^l &c^a
The hono^{ble} Coll Nicholas Greenberry }
Coll Charles Hutchins }
Coll David Brown }

L^{rs} from Coll Addison together with Depositions touching the Murther &c^a s^d Depositions & papers be delivered to M^r Attorney & Sollicito^r Gen^l for them to make Report therein as to matter of Law, as also to the Justices of the provinciall Court for their perversall & Report likewise, which were accordingly delivered to M^r Attorney Gen^l at the Board together with a Copy of the Articles of peace &c^a

Produced at the Board a Letter by his Ex^{cy} Rec^d from the hono^{ble} Coll John Addison, together with a couple of Depositions inclosed in Relation to the afores^d Murther which were Read; Ordered that the

Ordr inde

Whitehall

The same came Reported as follows, Viz^t

To his Ex^{cy} the Govern^r &c^a

May it please yo^r Excell

We have consulted these papers relating to the suspected Indian, and as to their weight & efficacy in Law, We conceive that it is not sufficient Evidence in Law to Convict the Indian, though perhaps of weight enough as We conceive with a Grand Jury to find a Bill, but that cannot be done this Court, the Jury being discharged; therefore We conceive he ought to be secured till the Assembly, and in the mean time that Warrant should issue for the securing the other Indian sworn against by Parker & Monray; All which is humbly submitted to your Excell by

Yo^r obedient Servants

Whitehall

George Plater
Will^m Dent

The Justices of the Provinciall Court do Concurr with the above Result, and that Care may be taken for the Apprehending and securing of the Annacostin King, who formerly was Comitted into Custody vpon suspicion of being guilty of a Crime of the like Nature.

p. 340
Whitehall

Signed p Ord^r
H Wriothesley Clk.

The s^d Report was Approved off, and Warrant was accordingly issued & sent vnto the hono^{ble} Coll John Addison, together with some Instructions how to Act in that affair.

Lib. M. D. The Justices of the Provinciaall Court & Lawyers being sent
 p. 350 for came, to whom his Ex^{ncy} is pleased to put the Question, how Matters in the Tryall of Titles of Land shall be Regulat- ed, Viz' that the Sherriffs & Surveyo^r may not be objected against without some legall Exception, and th' the Lawyers would give their Opinion whether the Provinciaall Court can make a Rule that the Juries summoned & sworn vpon such Matters may (after the Runing out of the Land &c^a) be confin- ed in some particular place & kept together from fire & Can- dle vntill they have Agree'd of their Verdict, the which to be put in Writing vnder their hands & Seals & close sealed vp, and delivered vnto the Sherriff of the County in Ord^r to be given to the Clerk of the Provinciaall Court, and not to be broke open till the Tryall.

That the Provinciaall Court be Adjourned vntill the last Tuseday of September, at the End of which, another Court to sit so many days for hearing all Matters of Law.

Ordered that the R^t hono^{ble} the Lords of the Com- mittee of Trade & forraign Plantations be humbly supplicated that they would please to give directions how Attaints may be brought ag^t Juries in this Countrey and if to be done, by what Rule they may be brought.

How matters of fact vpon Appeals brought before the Gov- ernor & Councill may be tryed; And when an Error in ffact is Assigned vpon an Appeal or Writ of Error brought to a Superiour Court, before whom such ffact is not cognoscible, what course shall be taken to Trye that Matter of ffact.

Ordered that the aforegoing Quæries be put to the Lawyers of the provinciaall Court for them to make Return of their Opinions therein as likewise make Answer to the following Case put, Viz'

Edward Randolph Esq^r Qui tam Ag^{ts} John Black- more & the ship Ann Vpon Appeal from the provinciaall Court to the Gov- ern^r & Councill; the Error in Law Assigned, was that the Bond taken for the s^d ship being an illegall Bond the provinciaall Court Judgm^t ought to be Reversed; therevpon the Councill for the King moved whether the Reversall of that Judgm^t might not be deemed condemna- tion of the ship, producing some Authorities; But the Defend- ant Arguing that there being matter of fact to be decided, Viz'
 p. 351 whether the ship tooke in Tobacco before Bond given, there- fore ought not to be condemned before th' matter of fact is tryed.

Ordered that the Attorneys Return severally their Opinion therein in Ord^r to be sent for England.

The Lawyers Opinions in the aforegoing Queries return'd Lib. H. D.
are as follows, Viz^t

Mr Carrolls
Opinion
about At-
taints &c^a In Obedience to your Ex^{ncies} Ord^r to me for giving
my Opinion in three severall Quæries put by your
Ex^{ncy} I humbly offer that as to the first where your
Ex^{ncy} puts the Quære Whether Attaints may be brought
against Juries in this Countrey, and if to be done, by what
Rule they may be brought.

I am of Opinion that in as much as We have no particular
Law of our own Countrey relating to such a matter and hav-
ing a generall Law whereby it is Enacted that in whatsoever
Case our own Law is silent, that in such Case the Law of
England must be pursued, that therefore Attaints may be
brought against Juries here, and that the Rule they must be
brought by, is the same Rule whereby they are brought in
England, which Rule is plainly set down in our Books, &
would be too tedious to insert here, there having sever-
all Alterations been made therein by severall Statutes.
As to the second where the Quære is, when any Error in ffact
is Assigned vpon an Appeal or Writ of Error brought to a
Superiour Court, before whom such ffact is not cognoscible,
what course shall be taken to trye that matter of fact. I am
of Opinion in the first place that an Error in ffact may very
well be Assigned as appears clearly in our Books, and that
such Error is not to be tryed by the Judges before whom it is
Assigned, quia ad questionem facti non respondent Judices, but
p^r pais that is a Jury of the Neighbourhood where such fact
did Arise, for the impannelling whereof there must issue a
Venire facias to the Sherriff of the County, and if the ffact
assigned be found by the Jury, the Judges before whom the
Writ of Error was brought are to give their Judgm^t vpon the
Law that arises out of the s^d ffact Quia ex facto Jus Oritur p. 35^t
et ad questionem Juris non respondent Juratores sed Judices,
and if the ffact so found be an Erronious ffact, the Judges
ought to Reverse the Judgm^t; And I am further of Opinion
(though it be some what beside the Quære) that in this
Countrey there ought to be a greater latitude allowed in
assigning of Errors, and the merits of the Cause to be more
inquired into by the Judges before whom an Appeal or Writ
of Error is brought, than in England; Because some of our
Judges & some of our Juryes (which for want of knowing, and
more consciencious Men must of necessity be made vse off)
do oftentimes Judge according to the Affection or disaffection
they have for the person plaintiffe or Defendant, and not
according to the Merit of the Cause or the Law that Arises
vpon the pleadings thereof; This I should not have the confi-

Lib. H. D. dence to Avert, had I not been an Eye Witness and a hearer of Matters which make it evident; for which digression from the Quære, I humbly beg your Ex^{ties} pardon.

As to the third Quære, which concerns the particular case of Esq^r Randolph & Blackmore vpon an information exhibited by the s^d Randolph against the Ship Anne whereof the s^d Blackmore was Mast^r for taking severall hogsheads of Tobacco on Board before such Bond given, as the Act of Parliam^t in such case Requires; the said Master coming to Tryall in the Prov^l Court, and it being acknowledged & given for Granted that there was Tobacco taken on Board before any other Bond was given than the Bond then produced in Court & shewed to the Jury, the only question then Remaining to be determin'd was whether that Bond was a sufficient Bond according to the Act of Parliament, which being a Question of Law ought to be Judged off by the Judges, but the Jury taking the s^d Matter of Law vpon themselves found the s^d Blackmore and his said ship, not guilty & consequently Judged the s^d Bond to them produced to be a sufficient Bond in Law, for which Reason the s^d Randolph Appealed to your Excell & Council & Assigned for Error the insufficiency of the s^d Bond according to the Act
 P. 353 of Parliam^t vpon which your Ex^{ty} & Council thought fit to Judge the s^d Bond insufficient in Law & consequently to Reverse the Judgm^t of the Provinciall Court whereby the said ship was cleared.

I am therefore of Opinion that vpon the Reversall of the Judgm^t of the Provinciall Court for the Reason afores^d the ship ought to be condemned, because that whensoever a Writ of Error is brought in a Superiour Court vpon a Judgm^t given in an inferiour Court, if the Judgm^t of the inferiour Court be Reversed for any Errors assigned then and in such Case the Superiour Court ought to give the same Judgm^t as the inferiour Court ought to have given, if such Error had not happened; Now if the Error of Judging the s^d Bond sufficient had not happened in the provinciall Court but that the s^d Bond had been Judged there insufficient (as your Excell & Council adjudged it) then without all dispute they ought to have Condemned the Ship, consequently your Ex^{ty} & Council having Judged the s^d Bond insufficient, and the not doing so being the Error of the Provinciall Court, The Judgm^t to be given by your Ex^{ty} & Council (I humbly conceive) is that the ship be Condemned according to the directions of the Act of Parliam^t and for any person to come now & Alledge in barr of such Judgment that there is Matter of fact to be still inquired into (viz^t whether the said ship tooke in Tobacco before Bond given) is idle fforreign, and now too late to alledge, because it was given for Granted & allowed vpon the Tryall that Tobacco

was taken on Board before any other bond was given but that Lib. H. D.
bond which is now Judged insufficient, and the sufficiency of
the Bond was the only thing insisted vpon in the provinciall
Court, which being adjudged by your Ex^{cy} & Councill
insufficient it must of Necessity follow that the Ship must
be condemned, which is humbly offered to your Ex^{cy} as the
Opinion of

Yo^r Ex^{acies} most humble &
most obedient Servant
Charles Carroll

Mr Goldes-
boroughs
Opinion
about
Attaints &c

1: In Obedience to your Ex^{acies} Commands, I have
considered That an Attaint is a Writ that lyeth
where a false Verdict in a Court of Record vpon an
issue joyned by the parties is given.

2: That there is not any need of Knights to be in the Pan- p. 354
nell of the Grand Jury, for that if they be Gentlemen of
vnquestionable integrity honour & fidelity, the Law is satisfyed
with them, and the Law Requires that they should be persons
of such Repute that there may not be the least ground of fear
that they will be corrupted, & therefore it may be brought in
this province.

3: It must be brought in th' Court where the Record of the
first Verdict remaineth & not else where. Brook Lit Attaint
21. E. 3. 10. 16 Ass. pl. 4.

4: It may be brought in this Province supposing it to be but
as one County and the severall Counties as so many hundreds,
out of which the Grand Jury must come.

The words of the Writ of Attaint directed to the Sheriff are
&c^a Et diligent inquirer as qui fuerunt Jurator primæ inquisitio-
nis and by this Writ he must destrain them if they be living, by
their Lands to appear &c^a if they have not any thing whereby
they may be destrained, or if they be dead the Sheriff must Re-
turn this vpon his Writ, 34 Ass: p 6. And this Writ of Attaint
may be maintain'd as long as any two of the petty Jury are
living, 2H: 4.18: 12H: 4.10. Br Attaint folio 70: Vide Bro Lit
Attaint folio 73.

4 Mi nota dicitur que sur inform fait par le Roy que passer
sur issue try, le Roy ne le informer Navera Attaint quar le in-
formor nest pleynem' partye & quant le def^t ad respond, le
Attorney le Roy reply le Roy et Nul puis mencōn est puis del
informor et ideo lune ne lauter Navera Attaint.

I am of the same Opinion with this Reporter
Will^m Dent.

1: When a Man sues a Writ of Error vpon an Erronious
Judgm' if he sues out a Scire facias ad Audiendum Errores, he

Lib. H. D. cannot after that Assign any Error which is matter of ffact, Rolls Tit Error ffol 762.

2: If he Assign Matter of ffact for Error a sci: fa: shall be Granted, 18H: 6: 19.

And it seemeth to me that vpon the Return of the Sci: ffac & the Appearance of the Def^t therevpon in that Court where the Writ of Error is Returnable, and where the Error is Assigned the Plaintiffe & Def^t shall join issue, which issue
P. 355 must be sent to that Court where the first Cause was Tryed, and shall be there tryed by Twelve Men, and then it shall be sent to that Court where the Writ of Error is depending, and then they must proceed accordingly. This I humbly submit to your Ex^{cy} as the Opinion of

Yo^r Excell^t most humble Serv^t

R: Gouldesborough

I am of the same Opinion with the above Reporter.

Geo: Plater

I am of the same

Philip Clarke

I subscribe to the same Opinion Rob^t Carvile

In obedience to your Ex^{ccies} Commands, to Certisfy my Opinion, in the Case of Edward Randolph Esq^r, who as well for our Sovereign Lord the King as for himself prosecuted against John Blackmore & the ship Ann &c^a I have considered

1: That in the case of a Subject only & where the King is not concern'd in the Suit; if a Writ of Error be brought in a Superiour Court vpon a Judgm^t given in an inferiour Court, and the Judgm^t be therevpon Reversed for Error in the Judgm^t given in the inferiour Court; then the Superiour Court ought to give the same Judgm^t as the inferiour ought to have done in case they had not Erred, Rolls 1st part, tit Error ffol 774, Delamore & Hoskins Case, Lim 10 Car Rot 900 adjudged Hoskins & Cheles Case, Mich: 14 Caroli in B R adjudged, and Omuleourie & Aires case adjudged in a Writ of Error vpon a Judgm^t in Ireland, Mich, 13 Car in Banco Regis Rot 332.

2: In the principall Case the information was brought ag^t the ship vpon the Statute supposing that she had not observed the form of the Statute, but had taken on Board Tobacco before any Bond was given according to the form of the Statute, and was thereby become forfeited to the King and to the Informer Vpon this the Master of the ship appeared & pleaded not guilty & puts himself vpon the Countrey, and the Informer Joynes issue.

The point in issue to be tryed was whether the ship tooke Lib. H. D. in Tobacco before Bond given or not; and if the Def^t had given p. 356 the Bond in Evidence to the Jury at the Barr to Maintain & support the Matter in issue, if the Bond was not a good Bond according to the form of the Statute, the Kings Councill or they that were of Councill with the Informer ought to have demurred in Law to such Bond given in Evidence, and then vpon Demurrer joyned the Judges would have given Judgm^t whether the bond was according to the form of the Statute or not; and whether twas good Evidence or not to the jury; for the Jurye cannot Trye whether the Bond be a good Bond or not, but this must be tryed by the Judges, being a matter of Law, and it cannot come before them but by Demurrer, and the Jury are sworn to Trye the ffact only, Viz^t whether the ship tooke in Tobacco before bond given or not; And if the Informer will not Demurr to the Bond when 'tis given in Evidence to the Jury then it shall be taken to be a good Bond, and if the Jury find against him, he cannot vpon a Writ of Error in a Superiour Court Assign for Error that the bond was not a good bond, because he did not take advantage thereof in the first Action, Vide Rolls tit Error ffol 781. 20 Ass: 3M: 40: 41 Eliz: B: R: Smith & Odyhams case adjudged p: 16. Jacobi. B: R: Markham and S^r ffra: ffortescues Case adjudged P. 9. Caroli. Lord Powes & Kirtmans Case adjudged, Nat Brev ffo: 21. Brook tit Error 34. 3. H. 4. 6.

Vbi Eadem Ratio ibi idem Jus esse debet.

3: The Law seemeth to have a far greater care of the ffact than it hath of it self; for it will not believe the ffact vntill it be sworn by Twelve Men of the Vicinage where the ffact did arise, and if Eleaven of the Inquest be Agreed about the ffact, and the twelfth man not Agreed, there can be no Verdict, but in the Law it is otherwise for there the Major part of the Judges do give Judgm^t what the Law is, although the other Judges dissent; but as to the ffact, the whole Inquest must Agree before there can be any Verdict, and when they are Agreed vpon the ffact, and have delivered this to the Court, then is it said to be a Verdict which is of so much esteem in the Law that it shall be credited vntill it be vndone by Attaint &c^a

4: When the Matter of ffact is once tryed, there is not any need to trye that again; for being once well & sufficiently tryed the Law is contented therewith; and in this principall case there is not any thing as touching the ffact Assigned for Error (but in Law that the bond was not a good bond only) and the Law intends that the Jury tryed the fact, Viz^t whether the ship had p. 357 taken in Tob^o before bond given or not, and they finding for the Def^t it is as much as if they had in express Words said that she did not, & then there being not any Error in the prosecu-

Lib. H. D. tion of the said information, the Matter of ffact (as it seemeth to me) is determined and the Verdict of the Jury is to stand in full force, and the Judges could do no otherwise than Credit the Verdict & Give Judgm^t according to it; for the Judges are not to take notice, as I do humbly conceive, whether the Bond was good or not, being a thing meerly collaterall & was not any part of the Record which was before them; But if the Kings Counsell or they that were of Counsell with the Informer would not Demurr they have tacitly confessed the bond given in Evidence to be good, and the Judges are to take it to be so, vnless the Kings Counsell or the Counsell for the informer shew the contrary vpon their Demurrer.

5: In all cases where the King is party 'tis a Rule in Law that the King being Caput Reipublicæ & Juris, Requires th^t Justice should be done between him & his people with all the favour that may be towards his people Vide Doc. & Stud. Chap. 48.

This I do humbly Offer to your Ex^{ty} as my present Opinion in the principal Case & begg leave to Subscribe my self
June 17th 1696.

May it please your Ex^{ty}

Yo^r Ex^{ty}s most humble Serv^t

R Gouldesborough

June 22th 1696.

p. 358 I do concur with the above Opinion with this further Addition, that I humbly conceive, that at the Tryall it was not Debated whether the Def^t after the Bond in question was past shipped Tobacco on Board or not for that I presume was admitted, but what did weigh with the Jury to find the Def^t not guilty was a permit of Trade vnder the hand & Seal of the Collector which was produced to the Jury as Evidence for the Def^t Clearing. And if the same permit was not sufficient Evidence in Law to indemnify the Def^t against the breach of the Law the Counsell for the plaintiffes ought to have demurred therevnto, as in the third Article above is mentioned; so that the Counsell for the plaintiffe having waved that advantage & the permit not being contradicted the Jury (in my Opinion) might well find the Def^t not guilty without the danger of an Attaint, if any Attaint in this Case would lye, which most of the Books agree cannot.

Shep Epit. 121. 122. The King or an Informer cannot have this Writ ffitz. Na. Br. Verb. Attaint says the same, Only I find in Cro: 1. part Abrid N^o 731. The Queen & Ingorsells It was the Opinion of the Justices that an Attaint lyes where a Verdict passeth against the Queen, vpon an Information. And furthermore if the s^d permit did dispose to the breach of

the Laws of Trade, who shall incurr the penalty I humbly sub- Lib. H. D.
mit to your Ex^{ncies} grave Judgm^t & consideration.

Rob^t Carvile

I am of this Opinion.

Will^m Dent

The Cons-
tables
Order'd to
Return List
of Taxables

Ordered that the Sherriffs do procure from the
severall Constables within their Respective Bayli-
wicks, the List of Taxables by them to be Return'd
vnto his Ex^{ncy} the Govern^r & Council by the 1st day
of July next, wherein they are to be very exact & to follow the
Directions of the Law in that Case, and th^t they further take
care (where they find any supernumerary Tythables, which by
former Ordⁿ from this Board they were directed diligently to
looke after) that they produce a List thereof before the Jus-
tices of the County Court to be held in June next & make
Oath to the same in Ord^r that due Credit may be given to the
Countrey, the Counties & parishes where such supernumerary
Tythables live; which s^d Lists so proved are afterwards to be
Returned vnto his Ex^{ncy} &c^a at the time & place before direct-
ed; And further Ordered that the Sherriffs do by the s^d time
Return an Acco^t of their Collection of the severall Sumes of
Tobacco by Act of Assembly due from the severall Publick
Officers within this Province, the which by a former Ord^r from
this Board they were Ordered to Collect & Receive. p. 359

Offes about
Supernum-
erary Tyth-
ables.

His Ex^{ncy} is pleased to demand of the Board if there be any
thing else at p^{sent} importing his Ma^{ty} or Countreys service
for to Offer; and nothing further being Offered they broke vp
for this time. Whitehall

An accot of
the quarter
part of the
1st p hhd

A brief and full Acco^t of the Quarter part of the
1st p hhd Recd by George Plater Esq^r his Ma^{ty}
Receiver Gen^l &c^a Since the Arrivall of his Ex^{ncy}
francis Nicholson Esq^r as follows Viz^t

Rec ^d by Bills of Exchange arising out of the 1 st p hhd as p Ord ^r of Council Dated the 24 th day of 7 ^{ber} 1694 appears foll. 61	250 : 00 : 0
Rec ^d by Bills of Exch ^a out of the 1 st p hhd as appears foll. 211 : the Summe of	305 : 12 : 02 ³ / ₄
And paid by his Ex ^{ncy} to Cap ^t Tregeny as p Receipt appears the Summe of	003 : 02 : 00 : 0
Which s ^d three summes amount in all to ffive hundred ffifty Eight pounds ffourteen shil- lings & two pence three ffarthings, being the full Quarter part of the 1 st p hhd Recd by his Ex ^{ncy} francis Nicholson Esq ^r Cap ^t Gen ^l &c ^a pursuant to his Ma ^{ty} Royall Instructions, Viz ^t	558 : 14 : 02 : ³ / ₄

Lib. H. D. You are pursuant to his Ma^{ty} Royall Instructions to me bearing Date at Whitehall the Eighth day of March 1693 $\frac{3}{4}$ Viz^t And whereas by an Act past in the Assembly in Maryland the 30th day of Aprill 1679 An Impost of two shillings p^r hh^d is laid upon all Tob^o exported out of our said Province, One Moiety of which Impost is by the s^d Act appropriated for the Use and Support of the Governm^t Our Will and Pleasure is that towards the maintenance of the Governm^t of our s^d Province, You take to Your own Use three ffourth parts of the s^d Moiety of the Impost of two shillings p^r hhd: of Tob^o appropriated as aforementioned by the s^d Act, And you are to take Speciall Care that according to the intention of the s^d Act, the Remaining fourth part of the Moiety of the s^d Impost be duly applied towards the maintaining a Constant Magazine with Arms and Amunition for the Defence of our s^d Province.

P^r Contra C^r

p. 360 The s^d George Plater discharges himself of the s^d Quarter part by Arms and Amunition Sent for in pursuant to two Severall Ord^m of Councill the one bearing Date the 24th of Septemb^r 1694, and the other bearing Date the 20th day of May Anno 1695, ffoll. 61. & 176. the Invoice of w^{ch} Goods are as followes, Viz^t

London 18 December 1695.

Invoice of Goods on board the Ship James Robert Lurting Master for the Proper Acco^t and Riscoe of M^r George Plater, for the vse of the Province of Maryland, Viz^t

P & M	lbs	s	d
N ^o 1: 2.—In 2 Deale Cases cost		9	
80 Carbines with round locks & Varnisht Stocks at 17 ^s	68		
N ^o 3: 4.—In 2 Deale Cases cost		6	
50 p ^r of horse Pistolls round locks Varnisht Stocks & Brass Caps at	50		
N. 10.—In a Case		3	6
20 Carbines round locks Varnisht Stocks at	17 ^s	17	
20 Carbine belts and Swivels at	2 ^s 6 ^d	2	10
N ^o 11.—In a Case Cost		3	6
50 p ^r of horse Pistolls round locks Varnisht Stocks & Brass Caps	50		
In a Cask Cost			2
20 ^m flints	18 ^s	18	
N ^o 5: 6.—In 2 Casks Cost		5	6

	lbs	s	d	Lib. H. D.
6 Dragoon Drums and Sticks	3	18		
12 p ^r heads at	2	2		
3 Setts Snares at		2		
N ^o 7.—In a Case Cost		3	6	
80 Cartouch boxes and belats t	3 : 10	15	6	8
20 granado pouches at	7 : 6	7	10	
80 byonets & belts	2 : 3	9		
80 Carbine belts	2 : 6	10		
3 powd ^r proovers	2 : 8		8	
3 Ditto	4 : 10		14	6
1 Large Union fflagg		4	10	
1 Small ditto		1	10	
N ^o 8.—In a Case Cost			2	
6 brase Trumpits at	30	9		
N ^o 9.—In a hh ^d Cost			4	
20 dragoon Sables and all ffurniture		20		
N ^o A.—In a Cask Cost			2	
25 pick Axes	2 : 3	2	16	3
25 Mattocks at	2 : 3	2	16	3
50 sett wheel barrow Irons	9	1	17	6
4 Bundles Canvas and Cord cost			1	4
4 doz ⁿ Steele Spades at		7	12	
4 bundles q ^t 4 Doz ⁿ Shovells		2	16	
20 Rundlets q ^t 20 ^{lb} musket bullets	13 : 9	13	15	
20 Ditto q ^t 20 ^{lb} Carbine bullets	13 : 9	13	15	
20 Ditto q ^t 20 ^{lb} Pistoll bullets	13 : 9	13	15	
for the 60 Carrying to the Key	9	2	5	
10 hand mortars		28		
200 hand Granado Shells at	14 ^d	11	13	4
600 ffusees			12	6
Custome of the Goods		6	6	
Cockets, Serchers, Porters, Shipp: & boat hire a board		4	11	
My Commission £404. 4. 4. at 2½ p C ^t		10	02	1
		414	06	5
ffraight for the Goods		10		
		424	6	5
Erro ⁿ Excepted Peter Paggen				

The quarter part of the Revenue by the afores^d

M^r Plater Rec^d is

558 14 2½

The money by him Paid for Arms &c^a as above is

424 6 5

Remains Still in M^r Platers hands in Arrears

134 7 9½

558 14 2½

Lfb. H. D.

By his Ex^{ncy} the Governo^r &c^a May the 25th 1696.

Ord^r abt
laying out
the parish
at William-
stadt

Ordered th^t the Parish be laid out at Williamstadt, pursuant to the Ordinance of Assembly and that the Tob^o formerly Ordered out of the Parishes towards the building the Church there, be either laid out for that Vse or Sold for bills of Exch^a or Ready money pursuant to former Ord^r

Ord^r for
prosecution
of the
County
Justices and
Burgesses

Ordered that due prosecution be made by M^r Attorney and Sollicito^r Gen^l ag^t such Justices of the County Courts as have made any publick allowances to the Burgesses of the house of Assembly (in their Last County Leavy) contrary to Law; and that such Burgesses demanding and Receiving such illegall allowances be in like manner prosecuted, The Severall County Lists being herewith given for their p^rusall and directions.

Ord^r for
New Pub-
lishing
Severall
proclama-
tions

Ordered that Publication be made by the Respective Sherriffs that a Proclamation touching Pensilvania Trade of the 17th of Aug^t past, And that another of the 15th of Octob^r past ag^t Exportation of Corn and another of the 25th of Jan^r after ag^t Sea-
p. 362 men travelling without passes (formerly Issued and published) are to Continue in force Untill further Ord^r And that the same be Read anew in the Severall Counties.

Ord^r touch-
ing Tobo
lying in the
hands of the
Vestry of
Coventry
parish in
Somerset
County

Whereas a Certain Ord^r or Resolve of the House past this last Assembly that the Tob^o lying in the hands of the Vestry of Coventry Parish in Somerset County should be appropriated towards the purchasing a Glebe; Ordered that the Sherriff give Notice to the s^d Vestrymen th^t they presume not to dispose thereof for that Vse, but that the same be sold pursuant to a former Ordinance of Assembly.

Ord^r touch-
ing the Lots
at William-
stadt & Town
Common &c^a

Ordered th^t noe Person pay any greater Value, for the Lots laid out at Williamstadt than what the Same were by the late Jury Appraised at; nor that the motion made, by M^r Nicholas Lowe in the House of Burgesses in Relation to the Agreem^t made ab^t the Town Common for 12000^{lbs} of Tob^o be in the least taken notice of; notwithstanding any Ord^r Vote or Result of the House therein, there appearing no Assent of his Ex^{ncy} or Council to Confirm the Same.

Maryland ss

Lib. H. D.

Dinah Know all men by these presents that We Dinah
Nutheads Nuthead of Ann Arrundell County Widow Robert
Bond for Carville and William Taylard of St Maries County
Printing Gent^s are held and firmly bound unto his Ex^{cy} Francis Nichol-
son Esq^r Cap^t Gen^l and Governo^r in Chief &c^a in the Sume of
one hundred pounds of lawfull money of England to the wth
paym^t well and truly to be made & done We bind our Selves
each and every of Us our and either of our heirs Ex^{ts} &
Adm^{rs} joyntly & Severally for the whole and in the whole firm-
ly by these p^sents Sealed with our Seals and Dated the four-
teenth day of May Anno Domini 1696.

Whereas the above bound Dina Nuthead having p^r her
Peticon humbly supplicated his Ex^{cy} the Governo^r for Leave
& Lycence to set up her printing press for printing blank bills
bonds Writs warrants of Attorney Letters of Administration
and other Necessary blanks usefull for the publick Offices of
this province which being Referred to the House of Assembly
and there Assented to, and by his s^d Ex^{cy} and Councill accord-
ingly Ordered She giving bond &c^a.

Now the Condition of this Obligation is such that if the s^d
Dinah Nuthead shall exercise and Imploy her printing press and
Letters to noe other use than for the printing of blank bills
bonds writts warrants of Attorney Letters of Adm^{rcos} and other
like blanks as aboves^d nor Suffer any other person to make use
thereof any otherwise than afores^d Unless by a particular p. 363
Lycence from his Ex^{cy} the Governo^r first had and obtained
And further shall save harmless and indempnifye his s^d Ex^{cy}
the Governo^r from any Damage that may hereafter Ensue by
the said Dinah Nuthead misapplying or Suffering to be mis-
applied the afores^d Printing press or letters otherwise than to
the true intent & meaning before expressed, Then this Obliga-
tion to be Voyd or else to Remain in full force and Virtue.

Sealed and Delivered in
the p^sence off.
H: Wriothsesley
Hen: Denton
John Newsam.

Dinah ^{her}O Nuthead (Seale)
^{mark}
Rob^t Carville (Seale)
W. Taylard (Seale)

Decemb^r the 10th 1694.

May it please Yo^r Ex^{cy}

Coll Roboth-
ams Return
ab: Mr
Clayland
and Mr
Leech.

In pursuance of an Ord^r of Councill from your
Ex^{cy} and Councill I have made enquiry what Ord^{rs}
M^r Leech and M^r Clayland have for preaching and
performing a ministeriall ffunction in Talbot County
and Concerning M^r Leeach his marrying one John

Stephens.

Lib. H. D. M^r Leech for Answer Saith, he was Ordained by Bishop Wood, B^p of Litchfield and Coventry and shewed his Ordⁿ and doth Confess that he marryed the above s^d Stephens and th^t his ffrriends are all now well Satisfyed.

M^r James Clayland Sayth he was Ordained in the Year (66) Deacon, and in the Year (67) full minister by W^m Nicholson B^p of Glocester, but hath left his Ordⁿ and is Ready to be deposed or that he Can send for them, likewise he Sayth, he Shewed them to Governo^r Copley.

Your Ex^{ac^{ies}} most humble Serv^t
George Robotham

At a Councill held at the Port of Annapolis the 2^d day of July, in the Eighth Year of the Reign of our Sovereign Lord King William the Third &c^a Annoq Domini 1696.

Present

His Ex^{ac^{ies}} ffrancis Nicholson Esq^r Cap^t Gen^l &c^a

Coll Nich^o Greenberry }
The hono^{ble} Coll David Browne }
James ffrisby Esq^r }

Whitehall Coll Browns motion abt allowance for transporting Arms &c^a and Ordr thereon The hono^{ble} Coll David Brown Representing that he having applyed himself to the Justices of Somerset County Court for allowance for transporting Arms and Amunition from S^t Maries to that County part whereof was Rejected; Ordered thereupon that p. 364 the said Justices Return Answer in writing against the next provinciall Court for their soe doing the s^d Charge being immediately for his ma^{ty} and Countreys Service.

The hon^{ble} Coll George Robotham came and was Aded.

Whitehall Sherrieff of Kent Countys Bond Orderd to be put in Suit at the Request of the Vestry of St Pauls Parish in the s^d County. Read a Petition of the Vestry of S^t Pauls parish in Kent County desireing the Sherrieffs Bond may be put in Prosecution for non payment of the 40 p poll pursuant to the Act &c^a

Whitehall Ordered that it be Referred to M^r Attorney and Sollicito^r Gen^l and that they put the s^d Bond in suit accordingly.

Whitehall St Michals Parish Vestry in Talbot County Ordd to make Use of the 6030 lbs of Tobo all former Ordⁿs to the Contrary being Dismissed The Petition of the Vestrymen of S^t Michalls Parish (relating to 6030^{lb} of Tob^o detain'd in the hands of M^r Sam^l Withers late Sherrieff of Talbot County by Virtue of an Ordinance of Assembly &c^a) being Read, and the Clerk of s^d Vestry also appearing and producing the Register of the s^d Vestry proceedings which was likewise Read, whereby was found that the s^d Tobacco was otherwise disposed off, before the s^d Ordinance passed: the s^d Clerk making

Oath to the s^d proceedings; Ordered thereupon that the s^d Lib. H. D.
Ordinance of Assembly and all other Ordⁿ from this Board
relating thereto be suspended and Set aside, And that the s^d
Withers Answer and pay unto the s^d Vestrymen the afore-
mentioned Sum^e of 6030^{lbs} of Tob^o by them to be disposed off
according as they have already Ordered and that vpon the s^d
Withers refusall or delay of paym^t they proceed ag^t him to
Recover the same by Law.

Clerk of Somerset County Court
Ordered that the Clerk of Somerset County Court,
return an Acco^t of the particulars of the publick
Leavy laid for that County last Year; which by his
Return a perfect List of Return (here Received) does not appear to be done,
the Co; Levy pursuant to former Ord^r Whitehall

Ordr for the Vestry's of Dor. Co; to build a Chappell of ease in each parish
Vpon Representation and by Advice in Councill
Received; Ordered that the Vestrys of the two
Parishes belonging to Dorchester County build a
Chappell of Ease in Each parrish in some place lying
most convenient to the parishion^r with the Consent
of the maj^r part thereof; provided they have any Tob^o lying in
Banck for doing of the Same. Whitehall

Coll Addison dispenc'd with from attending the present Councill
Vpon Representation, Ordered that the hon^{ble}
Coll: John Addison be dispenced with this present
sessions of Assembly from attending at the Councill
Board here and that he make a Journey up to the
Garrison to See all things right Order'd there, and
give such necessary directions upon this Advice of Indians&c^r
as he shall find Occasion. Whitehall

ffryday July the third 1696.

The Councill again Sate and were p^rsent as Yesterday
except Coll Brown.

Ordr for prosecution of John Salter
Came John Salter and Thomas Brough, who
according to Summons, made their personal appear-
ance; the s^d Salter (pursuant to Ord^r) producing the
Agreem^t by him Enter'd into with the Commission^r of Talbot
County Co^t about leasing the s^d Court house which was Read. Whitehall

His Ex^{cy} asks him how he Came to Require an allowance
for Repairs of the s^d House, Seeing he is Obliged by Agreem^t p. 365
to keep the same in Repair who makes Answer that it was for
an Alteration made therein; He is asked whether he has Rec^d
the Tob^o allowed him for the Same, who says he has; Ordered
thereupon that M^r Attorney and Sollicito^r Gen^l prosecute the

Lib. H. D. Said Salter for breach of the s^d Agreem^t by taking Tobacco for Repairs when he was bound to keep it in Repair by that Agreem^t.

M^r Brough the former Tennant is asked whether the s^d Salter made any objection when he Surrendred the Same house up to him, who Says he did not.

The hon^{ble} Coll David Brown Came & was Aded.

Whitehall Read the following Deposition, Viz^t

The Deposition of Thomas Roberts of Baltemore County Aged fforty Years or thereabouts.

This Deponent Sayth.

Tho: Roberts That Cap^t Oldtons party of Rangers being at one
Deposition time in; and the Leive^s party out upon Ranging, he
abt Cap^t Oldton did not goe out to Releve the Leiveten^s party accord-
ing to appointm^t Whereupon the Leivten^s party came in, and
so both parties were in at one time.

Whitehall That the s^d Rangers do not live at the place Setled beyond
the inhabitants, but that they Come in among the inhabitants
and further Sayth not.

July the 3^d 1696.

Sworne to before his Ex^{cy} in Councill by the aboves^d Thomas
Roberts.

Hen: Denton C of Concil

Capt Oldton Ordered that Cap^t John Oldton Commander of
Ordred to the Party of Rangers in Baltemore County make
make Ans- answer in writing to the above Deposition, & that
wer in writ- ing to Tho: Roberts for the future he take care that they live all together
Deposition; at the place Setled beyond the inhabitants, and that
and Instruc- tions abt his while the one party goes out a Ranging the other party
Ranging keep Constantly at the Garrison and that they go
out upon a Munday and Return upon a Saturday (except some
extraordinary occasion happen out) and so keep together at
Whitehall the Garrison all Sunday, and then the other party go out again
the next day.

That he take Care to Return an Acco^t of his Ranging at least
once a Month, if opportunity happens, pursuant to former
Instructions which thing he has not yet Observed nor Com-
plied with, That if those Persons now under his Command will
not accept to Comply with this and the former Instructions
that he get other Persons that will accept thereof.

The Same Ordⁿ and Instructions sent to Cap^t Brightwell Lib. H. D.
Comander of the Party of Rangers upon Potomock. Whitehall

July the 6th 1696.

Came Cap^t John Oldton and in Answer to the Deposition p. 366
of Thomas Roberts says that the Information therein Contain'd
is false, as he Can prove by the whole Company and that he
had Offered the Leiveten^s place to him once who Rejected it;

Whereupon he put in another; And lastly he does say that
the s^d Roberts is altogether unquallified for the s^d Office; He
is Ordered to make answer in writing what way the s^d Roberts
is unqualified, and why he was not put in his Leivten^s pursu-
ant to Ord^r.

Port of Annapolis July the 6th 1696.

Wm free-
mans Rect
to his Ex^{ncy}
Mr Work-
man for
38lb 11s 06d

I do acknowledge to have rec^d from his Ex^{ncy} p. 106
ffrancis Nicholson Esq^r Cap^t Gen^l & Govern^r in
Chief of his ma^{ty} Province of Maryland and M^r Anth-
ony Workman in part for a House which I am to
build, the Sum^e of ffifty Eight pounds eleven Shill^l
& sixpence sterl. as witness my hand the day and year aboves^d
Test John Morrogh W^m freeman
Hen: Denton

July the 7th 1696.

The Councill again Sate and were p^rsent

His Ex^{ncy} ffrancis Nicholson Esq^r Cap^t Gen^l &c^a

The hon^{ble} Coll: Henry Jowles } Coll: Charles Hutchins }
Coll: George Robotham } Coll: David Browne }
Coll: Nich^o Greenberry } Thomas Brooke Esq^r }

Order for
prosecuting
Severall
Members of
Assembly
and Justices
&c^a

Ordered that M^r Attorney and Sollicito^r Gen^l doe
imediately (after the Assembly is dissolved) prose-
cute the Severall Members that have taken Tob^o of
the people contrary to Law and the Justices of the
County Courts for allowing thereof and that they
prepare what process they think most agreeable to Law ag^t
that time.

Ord^r for
prosecuting
Mr Kenelm
Cheseldyn
and Coll
John Cood
&c^a

Ordered likewise th^t Due prosecution be made
ag^t M^r Kenelm Cheseldyn and Coll John Cood, about
the money by them taken (in the time of the Revo-
lution) without the Kings Ord^r and that they insist
upon good Bayle.

Lib. H. D. Ord^r for the
Co: Justices
p. 368 and Vestrys
to give a
List of
Marriages.

Ordered that the Sherriffes of the Province forth-
with give Notice to the Severall County Justices and
Vestrymen within their Repective precincts that the
s^d Justices and Vestrymen take Care to make and
Cause to be made Strict inquiry in all parts of their
respective County's and parishes what persons have been mar-
ryed by Lycenses Since his Ex^{acie}s arrivall in this province, and
who have marryed without Lycenses &c^a or asked to Church;
And that the s^d Acco^t be given to the Severall Vestry and
County Clerks who are to make an Exact List there of & Return
the Same unto his Ex^{acy} at the port of Annapolis by the 29th
day of September next, under penalty of being proceeded ag^t
for Contempt.

Ord^r to the
Colonels of
the frontier
County's

Ordered that the Colonels of Ann Arrundell, Prince
Georges, Baltemore & Cæcill Counties (being ffron-
tier Counties) have their Severall Troops and Com-
panies always in a Readiness with their Arms well fixed (upon
any occasion which may happen) and upon discovery by any
person of either ffrench or fforreign Indians, that notice by
such person be forthwith given to his Ex^{acy} the Gov^r and to
the Colonel of that County where such Indians are discovered
who is to Raise such force as he shall see necessary.

This Ord^r to be made publick by the Sherriffs of the s^d Coun-
ties and copy thereof given to the Colonels of the same.

Tho: Ennalls
Pet abt a
portugueez
boy & Ord^r
thereon.

Upon the petition of Thomas Ennalls here prefer-
red relating to a Portugueez boy taken from the
Island of the Maderea's by Jeremi: Waters master
of the Ship Hare and by him left at Carolina, in w^{ch}
he desired some Releife from this board for procuring the s^d
Boy to be Return'd to his Parents &c^a the w^{ch} petition being
Referred to M^r Attorney and Sollicito^r Gen^l for them to make
Report what methods were best to be taken therein who report-
ing th^t that the best way to Compell the s^d Waters thereto,
was by Warrant from His Ex^{acy} which might Cause him to
give Security for the Same: pursuant Whereeto a Warr^t being
drawn was produced, Read and Signed by his Ex^{acy} who was
also pleased to write a L^r to the Govern^r of Carolina there-
about; the Severall papers relating thereto are as follows Viz^t

Part of a L^r sent from the Madera concerning the foregoing
Matter, Viz^t

Via Salem

Lib. H. D.

M^r Thomas Ennalls }
& Samuel Chew } S^r

Part of a L^{re} sent M^r Ennalls & ca touching a Portugueez boy M^r Waters Carryed away in the Brigantine a Portugueez Boy against his Consent, who was one wee sent with him in the Night to Shew him the way aboard, and getting him on board detayned him there which was very ill Done and has given Us much trouble here with the Bishop of this Island, We have Engaged to Return him again, therefore please to let him be sent p^r ffirst and ought to be at the mastⁿ Cost also carryed away a Chest and Cloaths that belonged to a mate of a Pink whom he promised to Carry with him in his Brigantine please to secure s^d Chest and Cloaths for its right Own^r p. 369

Via New York.

March the 10th 1696.

S^r To the foregoing have nothing to add but Confirmation and to Continue our Requests concerning a Portugueez boy w^{ch} we Request may be sent p^r first Vessell that offers from thence or New York, this day Arriv'd a ship from Lizⁿ but no News from England with due regards we Kiss yo^r hands and remain

Sⁿ Yo^r most humble Servants

Rich: Miles & Rich: Bell

Maryland: ss

His Ex^{cy}s Warr^t for apprehending Jeremi: Waters Whereas it hath been Represented unto me in Council by Thomas Ennalls of Dorchester County Merch^t that one Jeremi: Waters Master of the Brigantine belonging partly to the s^d Thomas Ennalls late Come from the Madera's did at his departure and coming from thence clandestinely and in an Unjust manner bringing with him a Portugueez boy ag^t his will by Occasion whereof the English Consul of that place hath Received some trouble and inconveniency and hath advised the s^d Thomas Ennalls thereof and that he the s^d Consul stands ingaged for the s^d boys Return there again & because the s^d Thomas is now fitting out a Vessell for that place again & that the s^d Jeremi: Water did not bring the s^d boy into this province with him but left him at Carolina where he touch, Coming in hither &c^a

These are therefore to will and Require and to Straitly Charge and Command You the severall sherriffs of this province all or any of You in Whose bayliwick the s^d Jeremi: Waters shall be found that immediately upon Sight hereof you apprehend and take into Your Custody the body of the s^d Jeremi: Waters and him in Safe Custody Keep till you have Convey'd him before some one of his Ma^{ty} most hon^{ble} Coun-

Lib. H. D. cill of this province next Adjacent to the place where the s^d Jeremi: shall be taken, who is hereby Required to Examine the premisses and take good Security of the s^d Jeremi: to procure the s^d Boy from Carolina into this province with all expedition and to be delivered to the s^d Tho: Ennalls in Ord^r to his passage home again and if the s^d Jeremiah shall refuse to give
p. 370 such security that he be Recommended to the Custody of such Officer again there to Remain till he procure the s^d boy to be brought here as afores^d or give such Security as afores^d for all w^{ch} this Shall be your Warrant Given under my hand and Seal this 9th day of July in the Year of our Lord 1696.

ffr: Nicholson

July the 7th, 1696.

Presented by Cap^t Oldton the following Return in writing which was Read Viz'

To his Ex^{cy} ffancis Nicholson Esq his ma^{ty} Cap^t Gen^l of Maryland &c^a

According to an Ord^r of yo^r Ex^{cy} to Thomas Roberts to be Leivten^t under the Conduct of John Oldton by your Ex^{cy} appointed Cap^t of the Rangers of Baltemore County: the motives and Reasons which Yo^r Ex^{cy} Requires to the s^d Ord^r are as thus.

Whitehall That the s^d Thomas Roberts is altogether incapable of the managemen^t of the s^d Office, and that the persons that are under my Conduct say, that they will not be Comanded by the s^d Thomas Roberts, he being by them taken to be a moross sort of a Person and altogether unwilling to be by him Comanded. These Reasons and Objections I hope may weigh with your Ex^{cy} and therefore I humbly Pray the Liberty of the Choice of Tobias Stanborough to be my Leivt^{nt} which doubt not but your Ex^{cy} will admit off, when seen, being the needfull that Offers from.

Yo^r Ex^{cy}s most Obedient Servant

John Oldton

Whitehall Ordered th^t Copy of the above Return be sent to the s^d Thomas Roberts for him to make answer thereto with all Convenient Speed.

Ordered that the hon^{ble} Coll: John Addison furnish Coll: Ninian Beal with as much Amunition as he finds he shall have Occasion for.

Whitehall It being Ordered in Assembly that the Choptico and pomunky Indians &c^a Should (dureing this time of warr) be under the Empero^r of Piscattoway;

Ordered that a Commission pursuant thereto be prepared to pass the Broad Seal.

July the 7th 1696.

Lib. H. D

The s^d Commission being accordingly prepared was Read Whitehall
and approved off and was Signed by his Ex^{ty} and passed the
broad Seal of the province, which follows in these words, Viz^t

Maryland ss

Commission constituting the Empt^r of Piscattoway Comand^r of all the Indians on the Western Shore. William the Third by the Grace of God King of England, Scotl, ffrance and Ireland Defender of the ffaith, &c^a

To Ochotomoquath Cheif Ruler (and Commonly Called Empero^r) of the Piscattoway Indians living in Charles County on the Western Shore, Greeting, We Reposing Especial Trust & Confidence in the prudence, courage and Integrity of You the s^d Ochotomoquath have therefore thought fit to Whitehall
p. 367
Constitute and appoint and by these presents doe constitute and appoint you the s^d Ochotomoquath to be Cheif Comand^r and Gov^r over all the Nations of Indians living within the limits and precincts of this province in any part or place whatsoever on the Western Shore and for to Rule and Govern them in such manner and fform and by Such Rules and Ordⁿ as is Customary amongst you, Provided You the s^d Ochotomoquath do well and truly Observe, perform and Obey all such lawfull Instructions and Commands as You shall from time to time Receive from Us or our Cap^t Gen^l and Govern^r in Cheif of our s^d Province hereby Willing and Requiring all the s^d Severall Nations of Indians to be Obedient and Subject unto you the s^d Ochotomoquath in the Execution of this our Commission, under pain of our displeasure; And lastly We do hereby declare Ordain and Appoint that you the s^d Ochotomoquath shall and may hold Execute and Enjoy the Office and place of Command^r in Chiefe over all the s^d Severall Nations of Indians living & Residing on the Western Shore within our s^d Province together with all the powers and Authorities hereby Granted unto you for and dureing our will and pleasure; Given under the Broad Seal of our s^d Province this 14th day of July in the Eighth Year of our Reign &c^a Annoq Domini 1696. Witness our Trusty and well beloved ffrancis Nicholson Esq Cap^t Gen^l and Governor in Cheif in and over our s^d Province and Territory of Maryland.
ffr. Nicholson.

Taken into Consideration the Sending an Answer to the Governo^r of New Yorks last Letter by his Ex^{ty} Rec^d of the 22th of June last past the w^{ch} accordingly was done the s^d L^r & Answer following in these words Viz^t

Lib. H. D. Governor of New Yorks
L^{re} of the 22th of June 1696 to his Ex^{ncy}
Whitehall
S^r, I Rec^d Yo^r Ex^{ncys} of the 19th of May the 12th of June: I have nothing now to Communicate from hence but that I have not been able to obtain one man from any of the Neighbouring Colonies toward the reinforcing of our frontiers, but with Some difficulty's have reunited his Ma^{ty} Companys. Three of them are at Albany, which is all the force I can make for the Security of that place.

My own is in this ffort, the burden of this province is very heavy it must Sink without assistance. I shall not be wanting I hope in any part of my Duty, but Endeavour to Overcome all difficulties as becomes a Loyall Subject and honest man.

S^r Edmund Andros sent one thousand pounds money of this Countrey to the assistance what yo^r Ex^{ncy} mention'd in Yo^r of May the 19th will be a seasonable Kindness in our great Necessity I am

New York June 22th 1696. Yo^r Ex^{ncys} most humble Serv^t
Govern^r of Maryland. Ben: ffletcher

Maryland Port of Annapolis, July the 8th 1696.

His Ex^{ncys} answer to the Gov^r of New Yorks L^{re}
p. 372
S^r
I Rec^d Yo^r Ex^{ncys} L^{re} of the 22th of June past which I Communicated to the Gen^l Assembly of this his ma^{ty} province, the inclosed Resolve being in Answer thereto. We have (as yet) no acco^t of the Arrivall of any of our London Ships, tho we are in daily hopes of them so no European News can be sent yo^r Ex^{ncy} by him who is,
Yo^r most humble Servant
Govern^r New York. ff: Nicholson.

By his Ex^{ncy} the Govern^r & Councill &c^a July the 6th 1696.

Whitehall
Proposed that the House send Some further Supply towards the assistance of his Ma^{ty} Governm^t of New York pursuant to the Govern^r of New Yorks last L^{re} now lying before the House for their Consideration; His Ex^{ncy} being willing to lend the Countrey money upon that Occasion if wanting.

Signed p Ord^r
Hen. Denton C of Concil.

The s^d proposall came answered thus, viz^t

By the House of Burgesses, July the 8th 1696.

Whitehall
This house humbly thank his Ex^{ncy} for his generous Offer; but considering how much they are already Engaged to his Ex^{ncy} for money by him already advanced upon that Acco^t and how incapable they are at p^sent to reimburse him, and Con-

ceiving themselves, to have sufficiently advanced towards the assistance of New York; Especially having paid to the Govern^m 130 odd pounds more than what his Sacred Ma^y hath been pleased to declare should be in lieu of the Quota from this province do not think themselves Obliged any wayes to contribute thereto untill his Ma^y Royall pleasure shall be further declared therein; which this Province with all Obedience will wait for.

Signed p Ord^r W. Bladen C of Assembly.

Maryland Port of Annapolis July the 8th 1696.

His Ex^{cy}s
L^{re} to the
Govern^r of
Carolina abt
the portu-
guez boy

S^r

Complaint being made unto me and his Ma^y p. 370
hon^{ble} Councill by Maj^r Thomas Ennalls of this
province part owne^r of the brigantine called the Hare
whereof one Jeremi: Waters is Mast^r who tooke from
the Ile of Madera's a portuguez boy ag^t his Consent whose
parents made Complaint to the Bishop of that Island upon
w^{ch} two English Merch^{ts} Rich^d Miles & Rich: Bell are likely to
Come to great trouble. The s^d Ennalls tells us that his Master
inform'd him that the s^d Portuguez boy was taken from him
some time last Spring by Yo^r hon^{rs} Ord^r as also forty Shillings
and we are acquainted by a Gentleman here p^sent that he saw
the s^d portuguez boy in Carolina.

The Request of Thomas Ennalls is that the s^d boy may be
deliver'd to the bearer hereof in Ord^r to be Return'd
to his parents that those Gentlemen in Madera may Come to
noe prejudice by it.

Your Hon^{rs} Ordering that the portuguez boy be deliver'd
up will be a peace of Justice and an Obligation to Yo^r humble
Servant

ffr: Nicholson

Govern^r of Carolina.

July the 9th 1696.

The Councill again Sate and were p^sent.

Whitehall

His Ex^{cy} ffrancis Nicholson Esq^r Cap^t Gen^l &c^a

	Coll: George Robotham	} Coll: David Brown	
The hon ^{ble}	Coll: Nich ^o Greenberry		} Thomas Brooke Esq ^r
	Coll: Charles Hutchins		

The Quarter
part of this
years Reve-
nue Com-
puted

An Acco^t being drawn up as farr as at p^sent is
Collected how much the quarter part of the 1st p
hh^d this year does amount to, the Acco^t of Potomock
Pocomoke, and most part of Petuxent Districts
being given in, upon perusall whereof the Same was found to

Lib. H. D. amount to 104^{lbs} 17^s 07^d Sterl Ordered that half of the s^d
 Whitehall Revenue be lodged in m^r Platers hands to be imployed towards
 p. 373 the fixing the publick Arms of the province; such of them as
 can be fixed conveniently here, and that the Colonel of each
 respective County take Care to see the s^d Arms well fixed
 accordingly; but that they first p^rsent the Charge thereof to
 the Com^{rs} of the County Courts for their allowance which if
 Refused that then Satisfaction be made for the same out of
 the s^d Quarter part lodged in M^r Platers hands as afores^d and
 that the other half be transmitted to Cap^t Pagan there to
 Remain untill it be seen what Occasion there will be &c^a.

Whitehall Ordered that M^r Plater get ready the Lists and Acco^t of
 shipping this year, to be sent by Cap^t Barbar or Cap^t Pellew
 at the farthest.

Ord^r to the Colonels for to change the Gun Powder &c^a Ordered that the Colonel of each respective
 County within this province give Notice to the
 severall Officers under their Command having the
 Custody of any publick Powder, that they take
 Care (where they find any of the barr^{ls} deficient) for to get
 them new hoopt, and upon Arrivall of the fleet, th^t they get
 Whitehall all the s^d Powder changed; And it is hereby further Ordered
 that the Severall Collecto^{rs} Speake to all the Masters of Ships
 at their Entry making and treat with them about it, and
 acquaint them it will be taken as a kindness done to the
 Countrey in the Exchanging the Same, which to be proposed
 pound for pound, but rather then faile they are to make some
 Small allowance.

Ann Smith Vpon Signing a Warr^t of Execution against an
 Ord^r to be Indian and English Woman, persons Condemned
 Reprieved. for Murther.

Whitehall Proposed whether the s^d Woman (called Ann Smith) now
 lying under Sentence of Death for murdering of a Negro
 boy, shall be Reprieved or not; it being Represented that She
 is very penitent & may deserve mercy; Whereupon the
 Sherriffe being Sent for and the s^d matter being debated the
 Sherriffe is asked, if in Case a Reprieve should be Granted,
 whether or no he would be Content with what Work She
 might doe, and not put the Countrey to Charge, untill his
 Ma^{ty} pleasure shall be known therein who Says he will be
 Content with her work without putting the Countrey to
 Charge; Resolved thereupon that She be Reprieved, but that
 the thing be kept private and not made known untill She has
 made her Speech at the place of Execution, understanding
 She has Something which burthens her Conscience to discover,
 which she deferrs till then.

Ordered that an Instrument for that end be drawn up to Lib. H. D.
pass the broad Seal of the province w^{ch} was accordingly done
& Signed by his Ex^{ncy} & passed &^{ca} and followes in these
Words Viz^t.

Ann Smiths
Reprieve William the Third by the Grace of God King of Whitehall
England Scotland, France and Ireland Defender of
the faith &^{ca} To William Holland Sen^r high Sheriffe of our P. 374
County of Ann Arrundell Greeting.—Whereas you lately
Received a Warrant from Us (under our broad Seal of Mary-
land Dated the 9th of this Instant July) for executing one Ann
Smith Spinster of our s^d County, who was lately Indicted
tryed and Convicted for murdering a Negro Boy; But foras-
much as it hath been represented unto Us that She is become
exceeding penitent and Sorry for the same and may be deemed
a fit Object of mercy; And more Especially calling to mind
the infinite goodness and mercy of Almighty God lately
extended unto our Self by preserving our Royall person from
a late intended assassination, Do therefore Command th^t you
(at p^sent) forbear Executing the s^d Ann Smith untill you
shall Receive our further Ord^r therein; Given under the
Broad Seal of our s^d Province this 11th day of July in the
Eighth year of our Reign &^{ca} Annoq^r Domini 1696. Witness
our trusty and well beloved Francis Nicholson Esq^r Cap^t
Gen^l and Govern^r in Cheif in and over our s^d province and
Territory of Maryland.

ffr: Nicholson

Read the following Petition, Viz^t.

To his Ex^{ncy} the Govern^r in Councill

The Petition of Thomas Tench.

Most humbly Sheweth.

Thomas
Tench Esq
his Petic^{on}
abt a Ships
foresayle &
Rigging &
& Ord^r
thereon. That in Ord^r to the fitting out and making a Voy-
age to the Island of Maderas, with the Ship Ann of
Maryland Since her Tryall & acquittall at a Speciall
Court of Oyer and Terminer at Battle town in
Petuxant River; yo^r Petition^r having also on board
her some Commodities or merchandize proper for
the s^d Voyage, did procure and put on board her great ffore-
sayle and a parcell of New Rigging of the proper Goods and
Chattells of yo^r Petition^r and in no wise before that belonging
or appertaing to the s^d Ship.

That Since it so happeneth that the s^d Ship lyes now under Whitehall
Seizure in Custody of the Law, without any hopes or prospect
as yo^r pet^r humbly Conceives of making the s^d Voyage or any
other part in any Seasonable time untill such time as the s^d

Lib. H. D. Sayle and Rigging together with other her materialls may be decayed, Spoyled and Rendered unserviceable and unfit for Use.

Yo' Petition' humbly Prays yo' Ex^{cy} consideration of the premisses for the Releif of yo' petition' by Granting him an Ord' to the Sherriff of the County in whose Custody the said Ship and materialls are, for the delivery of the s^d Sayle and
 P. 375 Riging properly your petⁿ unto Your pet' w^{ch} will be great favour and Kindness to Yo' Petitiono' and noe wayes prejudiciall or injurious to any other person, in Law or Equity and Yo' Pet' as in Duty bound shall

Ever Pray &c^a

Whitehall The s^d Petition was by Ord' indorsed thus Viz^t.

By his Ex^{cy} the Govern' &c^a July the 9th 1696.

Ordered that the within petition be Referred to M' Attorney and Sollicito' Gen^l for their advice therein, and that they make Report to his Ex^{cy} accordingly.

Signed p Ord'

Hen: Denton C of Concil.

The w^{ch} Came Reported thus Viz^t.

To his Ex^{cy} the Govern' &c.

In Obedience to this Command We are humbly of Opinion that if the goods petitioned for were put on board after the
 Whitehall Vessell was Cleared and did properly belong to the pet' they may be delivered to the pet' which is humbly Submitted to your Ex^{cy} by

Yo' Obedient Servants

George Plater

Will^m Dent

By his Ex^{cy} the Govern' & Councill &c: July the 10th 1696.

Whitehall The pet' making it appear unto Geo: Plater Esq his Ma^{ty} Receiver Gen^l that he has property in the s^d Goods as is by him affirmed the prayer of the pet' is Granted.

Signed p Ord'

Hen: Denton C of Concil.

The hon^{ble} Coll David Browns Return of Jeremi: Waters Bond by him taken in Relation to the aforegoing matter, Viz^t.

Maryland ss.

Lib. H. D.

Jeremi: Know all men by these p'sents, That wee Jeremi:
Waters bond Waters of Somerset County in the s^d province of
for procuring Maryland Marriner and Arthur Denwood of the
the portu- County and Province afores^d planter are holden and
guez boy &ca firmly bounden unto Maj^r Thomas Ennalls of Dor-
chester County Merch^t in the full and Just Sume of two hun-
dred pounds Sterl Current and lawfull money of and in Eng-
land to be paid Convenient unto the s^d major Ennalls his heirs
Executoⁿ Admⁿ or Assignes To which paym^t well & truly to p. 371
be made We bind Us or Either of us, our heirs or Either of
them Joynly or severally firmly In Witness whereof we have
hereunto set our hand and Seals this Seventeenth day of July
Anno Domini 1696. The Condition of this Obligation is such
that if the above bounden Jeremi: Waters doth procure a
Portuguez boy from Carolina and the same bring into this
province & deliver him with all expedition to the s^d Maj^r
Ennalls in Ord^r to his passage home to the Madera's as in a
Speciall Warr^t Signed by his Ex^{cy} Francis Nicholson Govern^r
of this his Ma^{ty} province is expressed, & also save the s^d
Ennalls & his Correspondents in the Madera's harmless and
indemnified that then this Obligation to be Void & of none
Effect otherwise to be in full force strength and Vertue.
Signed Sealed and Delivered Jeremiah Waters [Seal]
In the p'sence off us. Arthur Denwood [Seale]
W Bosomean. The above s^d Bond taken by me,
W^m Heath David Browne,

July the 10th 1696.

The Councill again Sate and were p'sent as Yesterday. Whitehall

Read an Information made by Matthew Scarborough as follows Viz^t. The Information of M^r Matthew Scarborough of Somerset County.

Mr Scar- This Informant Sayth, that about the middle of
boroughs in- June last there Came a certain Sloop or Vessell
formation from Philadelphia into the Inlet upon the Sea Side
touching- in Somerset County which (as this Informant being
illegall Credibly told) having her loading of Tob^o Provision
Trade used at the Inlet in Somerset County. and other Goods ready provided for her, tooke the
Same on board and went away therewith without
Entring or Clearing. Matth: Scarborough Whitehall

Taken before his Ex^{cy} the 10th day of July 1696.

Hen: Denton C of Concil

Lib. H. D. Ord^r to Coll
p. 376 Brown & Co
abt the
illegal trade
at the inlet
of So:
County.

Ordered thereupon that the hon^{ble} Coll: David Brown go thither and take with him Maj^r Rob^t King Nav^l Officer and Geo: Layfield Esq his Ma^y Collecto^r of Pocomoke District who are hereby Re- quired to make inquiry ab^t that matter, and to Call and Cause to be brought before them all persons they find Requisite, and the same to Examine, and generally to Act and doe therein as they shall see Occasion, And if they think fit that it be for his Ma^y Service, that Vessells be permitted to come in there, that then they appoint some capable person for to Officiate in that place, hereby Empowering the s^d Coll Brown to Administer the Oath of Trade and Navigation (herewith sent) unto such person so appointed; but if thought Useless to keep such Officer there that then Some person be appointed for to Seize all persons Vessells & Sloops coming thither; and that they make Return of their proceedings therein unto his Ex^{cy} at the port of Annapolis with all Convenient Speed.

Read the following Petition, Viz^t.

To his Ex^{cy} Francis Nicholson Esq Cap^t Gen^l and Comand^r in Chief in and over his Ma^y Province and Territo^y of Maryland.

The Petition of Thomas Collyer one of yo^r Ex^{cy}'s Navall Officers.

Humbly Sheweth

Tho: Col-
lyers Petition
for In-
largem^t of
his Nav^l
Officers
Comission
and Ord^r
therein.

That whereas yo^r Ex^{cy} hath been pleased to appoint yo^r Pet^r to be Nav^l Officer of Choptanke District upon the Eastern Shore and yo^r Pet^r does humbly conceive that it was yo^r Ex^{cy}'s noble Intention that yo^r Pet^r should exercise the s^d Office in as large and ample manner as the same would admit; and not that yo^r Pet^r in the exercising of the s^d Office should be limmited and restrayned to great Choptanke Rivers onely, excluding thereby, little Choptanke Miles, Wye & Chester Rivers, touching the Granting of permits for Sloops and other Vessells, and other matters Incident and appertaining to the same Office, which yo^r Pet^r is totally deprived of and his s^d Office is thereby Rendered of less Value; & the perquisites of Great Choptanke Rivers in Respect of the s^d Office, are very Small and are not a competent Support and livelyhood for your s^d officer.

Yo^r Pet^r humbly Prays yo^r Ex^{cy} to take this his Cause into your Consideration and that you would be pleased to Declare yo^r Ex^{cy}'s pleasure therein By such Rules & Methods for the direction of yo^r s^d Officer as to Yo^r Ex^{cy} shall seem meet; And Yo^r Pet^r as in Duty bound shall ever Pray.

By his Ex^{ncy} the Gov^r & Councill &c^a July the 10th 1696. Lib. H. D.

p. 377

The within Petition is Referred to the consideration of the House of Burgesses.

Signed p Ord^r Hen: Denton C of Concil.

By the House of Burgesses July 10th 1696.

Vpon Reading the within petⁿ This House doe desire his Ex^{ncy} will enlarge the petⁿs Commission as beleiving the same will be very Convenient and necessary.

Signed p Ord^r W Bladen C of Assembly

Maryland: ss

Tho:
Collyers
Power to
Grant per-
mits for
Sloops &
Shallops &c
in Chestr &
Wye Rivrs

Whereas Thomas Collyer Nav^l Officer of the Port of Williamstadt did by his humble petition pray that power might be given him to grant permits (according to the directions of a certain Act of Assembly of this province) to all open Sloops, Shallops and boats belonging to little Choptanke, Miles, Wye & Chester Rivers, w^{ch} s^d Petition being Referred to the House

of Burgesses came Recommended back as a thing necessary to be done; I do therefore hereby Authorize and Empower the s^d Thomas Collyer for to Grant permits to all open, Sloops, Shallops and Boats (by the aforementioned Act Obliged to take out permits for a Twelmonth) belonging as afores^d he strictly pursuing the directions of the s^d Act, & not otherwise. Given under my hand and Seal this 13th day of July Anno Dom: 1696.

ffr: Nicholson

Justices for
the divided
County's
appointed.

The Board proceed to Settle the Justices for the new divided Counties being regulated and appointed as follows, Viz^t

ffor S^t Maries County.

Kenelm Cheseldyn	} Gent ⁿ } Quorum	Sam ^l Cooksey	} Justices	Whitehall
Rich ^d Cloud		Thomas Beal		
John Lowe		Rich ^d Benton		
Tho: Waughop		W ^m Husbands		
James Keech		Jacob Moreland		

ffor Calvert County.

John Griggs	} Gent ⁿ } Quorum	ffrancis Hutchins	} Justices.
John Bigger		Sam ^l Holdsworth	
Walter Smith		ffrancis ffreeman	
W ^m Parker		John Hance	
		Elisha Hall	
		Thomas Smith	

Lib. H. D. Talbot County Com^{rs} now in Commission are thought fit to
p. 378 stand as they are, having Justices fitly placed already according to Division.

ffor Charles County:

Will ^m Barton	} Gent ⁿ } Quorum	Philip Briscoe	} Justices.
Hen: Hawkins		Joseph Manning	
Ja ⁿ : Smalwood		Rich: Harrisson	
Phi: Hopkins		Benj ⁿ : Hall	
		Henry Hardy	
		Thomas Tawney	

A Petition of William ffrisby desireing to be excepted from being a Com^r of Kent County was Read and Rejected.

ffor Kent County.

Will ^m ffrisby	} Gent ⁿ } Quorum	James Smith	} Justices.
John Hinson		John Hawkins	
Hans Hanson		John Whittington	
Thomas Smith		Phi: Hopkins	

Whitehall Viz^t ffor Ann Arrundell County, Some Com^{rs} for the same being Wanting.

James Sanders	} Gent ⁿ } Quorum	John Worthington	} Justices.
W ^m Holland Jun ^r		Philip Howard	
Nich ^o Gassoway		John Dorsey	
Sam ^l Young		Seth Biggs	
Henry Constable		Henry Denton	

ffor Baltemore County for the Same Reason.

Viz^t

Edw ^d Boothby	} Gent ⁿ } Quorum	Thomas Richardson	} Justices
George Ashman		James Philips	
Marke Richardson		John Hall	
John fferry		Anthony Drew	
John Thomas		Richard Adams	
		Rich: Crumwell	

Whitehall

Justices for the Provinciall Court.

Viz^t

Robert Smith	} Esq } Quorum	Richard Hill	} Edward Jones	} Justices.
Henry Lowe		Thomas Tasker		
Philip Clarke		John Stone		
St Leger Codd		Thomas Stayley		
John Hamond		Robt King		
		John Pollard	Will ^m Hatton	

Ordered that Commissions pursuant thereto issue forth of Lib. H. D.
the Secretary's Office, according to Vsual Custom and form
Constituting and appointing the Severall Persons therein
Nominated Justices and Comⁿ as afs^d

Hen: Den- Vpon Motion made by Henry Denton Clerk of this
tons Motion hon^{ble} Board that his Ex^{ncy} and Honⁿ would please
abt allow- to take into their Consideration, a certain Petition
ance for a by him preferred in Councill, May last, relating to
Depty being Ordered an Allowance for the maintenance of a Dep^{ty}
Saying M^r Plater his Ma^{ty} Receiver Gen^l could not as yet Whitehall
comply with the former Ord^r made therein, for want of the
Sherriffs Returns; the s^d Petition and Ord^r following in these
Words, Viz^t

To his Ex^{ncy} Francis Nicholson Esq Cap^t Gen^l and Gov^r in
Cheife of this province, and to the hon^{ble} his Ma^{ty} Councill of
the same &c^{ca}

The humble Petition of Henry Denton Clerk of the s^d
Councill.
Sheweth

Hen: Den- That Yo^r Pet^r has (dureing the time of his Exe-
tons Petition cuting this Trust) been put to great expence and
& Ord^r abt Charge in keeping Clerks for the quick and Con-
allowance stant Dispatch of all publick business required to be Whitehall
for a Dep^{ty} Sent to the Severall Counties of the province Viz^t Proclama-
tions Ordⁿ of Councill and other Matters incident to his Office;
which (dureing this time of Warr) have been very Numerous,
besides the keeping a particular Register of all those Concerns.

That the Journalls of the Councill Proceedings constantly
writ out (to be sent for England) are many, for all w^{ch} your
Petition^r has only allowed him from the Assembly, the Annuall
Sallary of Twelve Thousand pounds of Tobacco, and that per-
haps Ordered him in Counties where little Can be got for it,
besides the trouble of seeking after it: And inasmuch as your
pet^r finds the Clerk of the Councill's business soe great that he
Cannot possibly attend it to give due Compliance, without the
assistance of a Dep^{ty} does therefore most humbly pray this
hon^{ble} Board that some way be found to have an annuall
Settlem^t allowed him, either in money or Tobacco, for the
maintaining such a Dep^{ty} and as in duty bound he

shall pray &c^{ca}

By his Ex^{ncy} the Govern^r & Councill &c^{ca}

May the 19th 1696.

Ordered that George Plater Esq^r his Ma^{ty} Receiver Gen^l

Lib. H. D. return (ag^t the meeting of the next Assembly) an acco^t of what ffines and fforsfeitures are by him Received out of the Severall Counties of the province and then the Request of the Pet^r shall be fully answered & Considered.

Signed p Ord^r

Hen: Denton C of Concil.

Hen: Denton Ordered out of the ffines the annuall Sallary of 6000^{lb} of Tobo for his maintenance of a Depty p. 380

Ordered thereupon as it is hereby Ordered th^t notwithstanding the Acco^t of the ffines cannot yet be had, the s^d Geo: Plater Esq (his Ma^{ty} Receiver Gen^l) Doe answer and pay unto the s^d Denton (out of the aforementioned ffines) the Annuall Sallary or Sum^e of six thousand pounds of Tob^o the paym^t thereof to Commence this ffall, and so to be Constantly paid by his Ma^{ty} Receiver Gen^l for his maintenance of a Dep^{ty} according as he hath Prayed.

Hen: Dentons motion for Settling of his ffes due to him as Clk of a certain Commission of Review & Ord^r therein

The s^d Denton further moves and humbly Represents that having Severall ffes due to him as Clerk of a Speciall Court of Review appointed for the deciding a certain Controversy depending betwixt one George Lingan and Jam^s Crawford the setlem^t whereof were by an Ord^r of this Board Suspended, untill the same should be settled by Act; And he Signifying that the Clerk of the Councills ffes being now Settled by an Act of Assembly of this Province does therefore Pray that the ffes due as Clerk of the s^d Speciall Court may be now Assessed.

Ordered that like proportionable ffes be allowed to and taken by the s^d Clerk upon Acco^t of the s^d Speciall Court of Review, as are Assessed & Settled upon the Clerk of the Councill within this province. The ffes follow, Viz^t

An Acco^t off ffes Regulated by the Court of Review, due to the Clerk thereof, by Ord^r of Councill in blanck to be Assest and settled by the House of Burgesses &c^{ca} being now Regulated according to Act.

To the Clerk of the Councill for the Petition & Grant of the Commission	1 ^{lb} Tobo	200
To Ditto for the Commission & Dedimus drawing & Recording		720
To ffiling the Proceedings transmitted out of Chancery (being 70 Sides) with the Clerk of the Court of Review 24 ^{lb} Tob ^o p Side		1680
To ffiling the Reasons 24 Sides at 24 ^{lb} Tob ^o p Side		576
To Copy of Ditto		576
To Plea ffiled to the Jurisdiction of the Court		8

Proceedings of the Council of Maryland, 1694-97. 469

To Entring and Signing Judgm ^t thereon	84	Lib. H. D.
To Ditto upon the whole proceedings	84	
To ffiling Cost	24	
To Copy of the Cost	24	
To Copy of the Judgm ^t 4 Sides at 24 ^{lb} Tobacco p Side	96	

£Tob^o 4072

A true Copy

Hen: Denton C of the s^d Coⁿ Review

His Ex^{ncy} is pleased to Demand of the Board whether they know of any thing further to be offered in Councill (at p^sent) Whitehall who make Answer they Doe not.

Maryland: ss

p. 381

Dan^{ll} Peirce Know all men by these p^sents that We Dan^{ll} Peirce of Cæcill County in the province afores^d Gent^l Bond for performance of his Riding and Will^m Peirce Sen^r are holden & firmly bound^d Survey^{rs} Comission unto his Ex^{ncy} ffrancis Nicholson Esq his Maⁿ Cap^t Gen^l and Cheif Govern^r of this province in the full and Just Sum^e of One Thousand pounds of lawfull money of England to be paid to the said ffrancis Nicholson Esq^r his Ex^{ty} Adm^{ty} or assigns, To the w^{ch} paym^t well and truly to be made We bind our Selves and either of Us our and Either of our heirs Ex^{ty} & Adm^{ty} joyntly and Severally for the whole and in the whole firmly by these p^sents, Witness our hands and Seals this 8th day of March 1695/6.

The Condition of the above written Obligation is such that whereas his Ex^{ty} ffrancis Nicholson Esq^r afores^d hath Com- missionated and appointed the s^d Dan^{ll} Peirce to be Riding Surveyo^r for Cæcill County and the Counties thereunto adjacent within the s^d province by his Commission bearing date, the 5th day of March 1695. Now if the s^d Dan^{ll} Peirce shall well and truly perform the s^d Office according to the severall Acts of Parliam^t and Laws of this province unto which by his s^d Commission he is Referred to be Guided by; as also shall observe and follow all such further directions and Instructions as from time to time he shall Receive from the s^d ffrancis Nicholson Esq and from time to time keep harmless the s^d ffrancis Nicholson Esq from all Damages loss & Charges that he the s^d ffrancis Nicholson Esq shall sustain at any time by Reason of the s^d Peirce non performance of his s^d Office (so long as he shall Enjoy the Same) as in the s^d Severall Laws is Enacted & Ordained. Then the above Obligation to be Void and of none Effect, otherwise to be and Remain in full force and Vertue.

Lib. H. D. Sealed & delivered in
the presence off
James Frisby }
Sarah Frisby Jun^r }

Dan^l Peirce [Seal]
W^m Peirce [Seal]

Vnderneath the s^d Bond was thus written Viz'

Test sub- I Dan^l Peirce doe declare that there is not any
scribed to by Dan^l Peirce. Transubstantiation in the Sacrem^t of the Lords Sup-
per or in the Elements of bread and wine, at or after
the Consecration thereof by any person whatsoever

Dan^l Peirce

p. 382 Part of a L^{re} by his Ex^{ncy} Rec^d from the hon^{ble} W^m Markham
Esq^r Leivten^t Govern^r of Pensilvania Viz'

Part of a
L^{re} by his
Ex^{ncy} Rec^d
from Gov^r
touching
Basalion &
LeTort

S^r

Vpon the Coppy of what Coll: Herman gave into
yo^r Ex^{ncy} & Councill I shall require Security ffor
LeTort and Basalion, Tho. I know that will not Sat-
isfye the Coll: he will still be uneasy until he get all
the Indian Trade to himself. I have known Coll: Herman a
Long time, and he that trades for him on Susquehanna (Amos
Nicholls) is better known then trusted. I inclose to Yo^r Ex^{ncy}
what I found amongst Cast away Papers, Basalion was in
Equall partnership with Petit and Salvay tho it went in only
their two Names, Basalion Coming in after the others had pro-
vided for the Voyage, and after the Voyage was over thrown
I divided the Left Cargo and Basalion had $\frac{1}{3}$. But as to LeTort
he is a Protestant, was sent over in the year 1686: with a Con-
siderable Cargo and Sev^lall ffrench protestants, (of whom he had
the charge) by Doct^r Cox, S^r mathias Vincent, and a Third
Gentl. I cannot Call to mind at this time to Settle Thirty Thou-
sand acres of Land up the Skoolkill that they had bought of
M^r Penn, and that's the place he lives at, other houses were
built and ffamilies settled there that he brought with him but
being so ffarr up in the Country they Deserted them. This
Le Tort was going for England in the Ship with Govern^r Hamil-
ton, but was taken, Le Tort was Carryed to Tholoun and nar-
rowly Escaped the Gallys but after a Long and hard Usage
gott into England, where he Came acquainted with the West
Jersey Company, and they understanding that his House Stood
upon the Skoolkill in a Convenient place to Trade with the
Indians Contracted with him to trade for them there, and writt
to their Agent to Supply him with Goods, It is not many days
since that he went up to Burlington to make Up his Acco^u
with the Agent, intending as soon as he Conveniently Can for

England, Govern^r Hamilton will give a very good Acco^t of Lib. H. D.
him I rest.

Philadelphia S^r Yo^r Ex^{ncy}'s Reall & ffaithfull
 humble Serv^t
June 25th 1696. W^m Markham

Ordⁿ issued since the last Councill, Viz^t

By his Ex^{ncy} the Governo^r & c^{ca} July the 17th 1696.

Ord^r for the Vpon Complaint by severall persons made of the
Constables very Great abuse done to the Countrey through the
to take a new Constables remissness and Negligence in taking the
List of List of Taxables; Ordered that the Sherriffs give
Taxables Notice to the Justices of the Severall Counties in August Court
next that they issue their strict Ord^r and Charge forthwith to
the Constable of each hundred within their respective Counties,
thereby Commanding them to goe to every individuall house
of the s^d hundreds in which they Officiate and there Demand,
and take an Acco^t from the Master Mistress or Dame of every p. 383
such house in writing, under such Mast^r and Mistress or Dames
own hand what number of Tithables they have, which s^d Lists
so taken they are to close seal up (after Copy thereof made for
the County Courts) & transmit the same unto his Ex^{ncy} at the
port of Annapolis by the 16th day of September next (if the
Assembly then Sits) otherwise by the ffirst day of the next
provⁿ Court under pain of being prosecuted, to the Utmost
Severity of the Law for Contempt.

By his Ex^{ncy} the Govern^r & c^{ca} July the 17th 1696.

Ord^r tht the Ordered that the Sherriffs doe this ffall take due
Sherriffs Care for to Collect (pursuant to Act of Assembly)
Collect the the Severall Sumes of Tobacco due from the publick
Severall Officers & c^{ca} to be Accounted from the Time of the
Sumes of Originall Act commenceing (the s^d Act being now
Tobe from amended) and th^t they fail not herein under penalty
the Publick of having their Sherriffs Bonds put in Suit for Neglect thereof.
Officers

By his Ex^{ncy} the Govern^r & c^{ca} July the 20th 1696.

Ord^r tht Ordered that Cap^t Richard Hill do (upon Sight
Cap^t Hill hereof) Surcease from Acting in the Station and place
Surcease of Navall Officer within the Port of Annapolis; as
from being likewise from Acting under the quallification of a
Navall Officer Justice of Peace in the provincially Court of this prov-
& Justice of ince and th^t he be left out of the New Commission
the Provⁿ to be issued.
Court

Served with a Coppy of this Order the 27th of
July 1696, by Hen: Denton

Lib. H. D.

By his Ex^{cy} the Govern^r &c July the 28th 1696.

Ord^r for the
Sheriffs to
give Notice
to the
Severall
Vestrys abt
the 40 p poll

fforasmuch as Severall Ordⁿ and Ordinances of Assembly have heretofore issued to the Vestrys of the respective parishes within this province, touching the Collection and disposall of the 40 p poll; Viz^t that where the Same was left uncollected last year Should be collected this year, & that in parishes where Churches are built and no Minister inducted the Same should be sold for Bills of Exch^a or ready Goods; this is to Remind and Ord^r all such Vestrys so Concern'd that they duly Comply with and Observe the afores^d Severall Ordⁿ and Ordinances in disposing of the 40 p poll for ready Goods or bills as afores^d Tob^o being likely to be a good Commodity this year; And that the Sherriffs of the province Serve the Vestrys of the Severall parishes within their respective precincts with a Copy of this Ord^r for their due Notice.

By his Ex^{cy} the Govern^r &c^a July the 31th 1696.

Ord^r for the
Sherriffs to
mak due
Returns of
all Ordⁿ &
Proclama-
tions &c^a

p. 384

Whereas Sundry Ordⁿ and proclamations (tending to his Ma^{ty} & the Countreys Service) have from time to time been issued, Since his Ex^{cy} Access to the Governm^t but no Return made by the Sherriffs of the Execution of the Same; notwithstanding they Severally have before had instructions and directions thereab^t this Comes now to give Notice to all the Sherriffs in Generall that whosoever of them shall hereafter neglect to make due Return to what publick Ordⁿ or Proclamations &c^a they shall for the future Receive, must expect forthwith to be displaced & discharged of his Office, if the Law will admit thereof, but if in Case it should not, that then such Offic^r may without faile, expect to be displaced at the End and Expiration of his first year; His Ex^{cy} being pleased to give this Notice and warning th^t there might be no such occasion.

By his Ex^{cy} the Govern^r &c^a July the 31th 1696.

Ord^r for the
Sheriffs to
give Notice
to all Mast^rs
of ships abt
Capt Pel-
lews Sayling
&c^a

Ordered that the Sherriffs of the province give Notice to all masters of Ships Merch^{ts} and others within their Respective precincts that Cap^t Humphrey Pellew will (God willing) be ready to Sayle by or before the latter End of August next, so that such persons as have any Letters to Send for England by him, may direct them to be left, either at the port of Annapolis or petuxant where Care will be taken of them and such masters of Ships as shall be loaden & ready by that

time may have the opportunity of going under the s^d Capt^t Lib. H. D.
Pellews Convoy, otherwise will not be permitted to Sayle
before the fleet.

By his Ex^{ncy} the Govern^r &c^{ca} Aug^t the 1st 1696.

Ord^r for the Collect^{rs} & Nav^l Officers
abt the Gage of Tob^o hhd^s
Ordered that the Collecto^{rs} and Nav^l Offic^{rs} of
the Severall Districts & ports within this province
take Care to give Notice to all Masters of Ships
now in the Countrey and which shall hereafter
come in, th^t they Omit not to measure, either by themselves,
or Some Offic^r or Officers of their Ships thereunto appointed
every hhd: of Tob^o by them taken on board, pursuant to his
Ex^{ncys} proclamation for that purpose formerly issued and Sent
and th^t they Suffer no Ship to be cleared without making
Oath or bringing such persons as measured the s^d hhd^s to
make Oath that the same were by them measured accordingly
who are also to give upon Oath an Exact Acco^t of the Size of
the same. And further Ordered that four bills for the future
be taken for all Duties &c^{ca} by them Secured to be paid.

By his Ex^{ncy} the Govern^r &c^{ca} Aug^t the 4th 1696.

Ord^{rs} for his Ex^{ncys} L^{rs} to be Secured by the Collecto^{rs}
Ordered that the Collecto^{rs} (upon their Acco^t of
L^{rs} &c. taken from the Severall Masters of Ships
pursuant to the late Ordinance of Assembly) secure
and Safely lodge in their Offices all such L^{rs} as they
shall find directed to his Ex^{ncy} unless the partys bringing them
in do Ingage to Come with them themselves; otherwise to
Remain in their s^d Offices untill an opportunity of Speedy and
Safe Conveyance Offers.

By his Ex^{ncy} the Govern^r &c. Aug^t 14th 1696.

Ord^r for the Sherriffs to give Notice to the Bur-
gesses & Delegates & his Ma^{ty} hon^{ble} Coun-
cill &c abt the meeting of the Assembly.
Ordered that the Sherriffs of the province do p. 385
immediately (upon sight hereof) give notice to the
Severall Burgesses and Delegates of Assembly &
memb^{rs} of his Ma^{ty} hon^{ble} Council living within their
respective Counties that his Ex^{ncy} having Rec^d his
Ma^{ty} Royall Commands thinks it necessary (for his
Ma^{ty} and Countreys Service) that they meet and Sit
at the Port of Annapolis the 16th day of Septemb^r
next, pursuant to prorogation & appointm^t whereof
they are not to faile.

Lib. II. D.

By his Ex^{cy} the Govern^r &c Aug^t the 15th 1696.

Ord^r for the
Colonels to
see the
Militia
furnish them-
selves with
Arms &
Amunition
this Shipping

Ordered that the Colonel of each County within this province give Notice & Strict directions to the Officers of the Severall Troops & Companies within their respective Counties, that the militia under their Command take Care to furnish themselves with Arms and Amunition (this fleet) pursuant to the directions of the Act of Assembly under pain of being proceeded ag^t according to the Utmost Severity of the Law, there being a Considerable quantity of Such things now to be had and Considering the great price Tob^o now Yeilds, But where it appears the s^d things cannot possibly be purchased by Some persons this fleet, that such persons then fail not to send to procure the same by the next opportunity, (und^r like penalty) Tobacco being likely to Continue a Good Commodity; And to the End all persons may have due Notice, it is hereby further Ordered that the Sheriffs make publication hereof in all Churches Chappells and other publick places of meeting within their respective Counties and Signifye th^t his Ex^{cy} in Person does (God willing) intend to see what posture the Militia of the Severall Counties is in, this ffall.

By his Ex^{cy} the Govern^r &c^{ca} Aug^t 20th 1696.

Ord^r for Mr
Attorney &
Sollicitor
Gen^{ll} abt
their Living
in Town

Whereas for want of his Ma^{ty} Attorney or Sollicitor Gen^{ll} living here in Town his Ma^{ty} business is much delayed and impeded, besides the Countrey being put to vast Charge in Sending Expresses upon every Occasion of Advice; Ordered therefore that Either M^r Attorney or Sollicitor do for the future come and Actually inhabit here at the Port of Annapolis or Agree with Some other Lawyer for to do the Same to attend upon his Ma^{ty} Service, without which the Kings business will apparently Suffer.

By his Ex^{cy} the Govern^r &c: Aug^t 21th 1696.

Ord^r for the
Regist^r in
Chancery to
transmit a
Copy of the
Court of
Reviews
Sentence

Ordered that the Regist^r of his Ma^{ty} high Court of Chancery within this province do (upon Sight hereof) transmit (under his hand and Seal) a Coppy of the Court of Reviews Sentence given in a certain matter before them lately depending betwixt George Lingan Adm^r &c of John Abington Dec^d Libellant & James Crauford Defend^t th^t the Commissary may make such further proceedings therein as is Requisite.

August the 25th 1696.

Lib. H. D.

Mem^d abt his Hon^r Coll: Greenberry
 Memorandum th^t on the s^d day his Ex^{ncy} having
 Sent for the hon^{ble} S^r Thomas Laurance Baron^t
 Secretary, who accordingly Came and the hon^{ble}
 Coll: Nich^o Greenberry being then likewise p^rsent; his Ex^{ncy}
 was pleased to tell Coll: Greenberry that he had been there
 two or three times and Raised Some Scruple ab^t the Militia
 Offic^r Signing to the Address &c^a therefore Willed him to put
 in writing what he had to Say in relation to that Matter; and
 then he should receive Answer, but the s^d Coll: Greenberry
 went away without leaving any thing in writing.

August the 26th 1696.

Mem^d a L^{re} Rec^d by Geo: Plater
 Esq abt the Scotch Trade
 Memorandum th^t Geo: Plater Esq produced unto
 his Ex^{ncy} the Govern^r in p^rsence of the hon^{ble} S^r
 Thomas Laurence Baron^t Secretary a L^{re} to the s^d
 M^r Plater directed from the Right Hon^{ble} the Com-
 mission^r of his Ma^{ty} Customs in England relating to
 the Scotch Trade which was Ordered to be Entered.

Delivered by S^r Thomas
 Delivered at the same time by S^r Thomas Lau-
 rence unto the s^d M^r Plater a late Act of Parliam^t
 made in the 7th and 8th years of King William the Third &c
 entituled an Act for preventing frauds and Regulating abuses
 in the plantation Trade, for his better Guidance in his Office,
 he having not had one Sent in.

Severall pub- lish L^{rs} & papers
 Ord^rd to be Enter^d for wch Vide the other End of the Book
 Delivered by his Ex^{ncy} unto the Clerk of the
 Councill Severall L^{rs} and publick papers Rec^d from
 Whitehall and from the R^t Hon^{ble} the Commission^r
 of his ma^{ty} Customs, which were all likewise Ordered
 to be Entered in the Councill Book, one whereof
 being the Petition Proceedings & Order relating to
 Burley and Masons pardon were (after Entry thereof)
 Ordered to be Delivered to M^r Attorney Gen^l for preparing
 a pardon pursuant thereto, to pass the Broad Seal of the
 province.

Memorandum th^t his Ex^{ncy} shew^d to M^r Plater three L^{rs}
 from the R^t hon^{ble} the Commission^r of his Ma^{ty} Customs, con-
 cerning some suspected Ships as also Instructions from them,
 relating to Trade, & a L^{re} ab^t allowance to be given for Col-
 lection of the s^d p^r pound &c.

Produced by his Ex^{ncy} a Letter from the R^t hon^{ble} W^m Blath-
 wayt Esq of the 1st of febr^y last wherein this Clause is Viz^t

Lib. H. D. Clause in a
Lre of Mr
Blathwayts
touching the
Revenue The Acco^u from Maryland have been very short
and defective and tho M^r Randolph my Dep^y has as
he assures me, often Demanded to have the Receipts
& Expen^{ce} of the Revenue in Maryland more fully
Stated, as in other Neighbouring Plantations, yet he Complains
th^t no such Compliance has been yet given, which Yo^r Ex^{cy}
will therefore be pleased to Ord^r that I may be Enabled to
Satisfye the Lords Com^{rs} of the Treasury and Com^{rs} of the
publick acco^u as it is my Duty in Matters of the plantation
Revenue.

Instructions
from Mr
Blathwayte Produced also another Paper by his Ex^{cy} Rec^d
from the Hon^{ble} S^r Tho: Laurence Baron^e Secretary
being Instructions for the right Setling the Publick
Revenue &c^a Viz^t

p. 387 Instructions The Acco^u of the Revenue are to Contain a
from Mr Charge of the Receipts from the Collecto^{rs} of the
Blathwayte Severall Districts of the r^e p^{ar} h^{ad} And a particular
concerning Acco^t of the Receipts of the ffines, fforfeitures and
the Revenue. Escheats accruing to the King and how they arise. Against
which the Discharge is to Contain the particular paym^{ts} out of
the Revenue, with the particulars of the Occasion of such
paym^{ts}

All which is to be vouched by Duplicates of the Ordⁿ of the
Govern^r in Councill and the Receipts of the paym^{ts} to whom
such paym^{ts} are made.

Mr Plater
Ordered to
get ready
his Acco^{ts}
&c^a Ordered that Copy's of the foregoing papers
&c: be delivered to Geo Plater Esq his Ma^{ty}
Receiver Gen^l and that he prepare his Acco^u ready
pursuant thereto, having before Rec^d Ordⁿ for getting
the s^d acco^u ready, his Ex^{cy} delivering him a Coppy of the
Acco^t of the publick Revenue stated in Virg^a (when his Ex^{cy}
last left th^t Governm^t) for his further directions therein.

Mr Plater
Ordered to
take strict
Care abt
the ffines &
fforfeitures Ordered that the s^d M^r Plater take Care to get
Leavyed this Year, all ffines and fforfeitures due to
his Ma^{ty} and that he issue process ag^t such as Refuse
paym^t Tob^o being likely to be a Good Commodity
this Year.

Mr Plater
Ord^d to
adjust Acco^{ts}
with Madam
Blakiston &
to procure
New bills
&c^a Ordered that the s^d M^r Plater adjust the Acco^t
with Madam Blakiston & procure New bills for the
protested Bills of Exchange and to Secure the Tob^o
Debts otherwise to let her know th^t for want of com-
pliance in these things th^t she will not have the 100^{lb}
allowed, being given her upon that Acco^t.

Mr Attorney & Solicitor Gen^l Ord^d to issue process upon all forfeited Navigation bonds

Ordered likewise that the s^d M^r Plater, and M^r W^m Lib. H. D. Dent his Ma^{ty} Attorney and Sollicitor Gen^l issue process upon all Navigation Bonds not duly Complied with, pursuant to former Ord^r and for all Kings Business yett is ripe for Judgm^t th^t Judgm^t be obtained accordingly this Court, & for all others ag^t the next Court after.

A L^{re} from the Com^{rs} of his Ma^{ty} Customs dd to M^r Plater abt money Claimd by M^r Paynes Adm^r

Delivered by his Ex^{cy} unto the s^d Geo: Plater Esq a Letter by him Rec^d from the R^t hon^{ble} the Commission^{rs} of his Ma^{ty} Customs Dated the 4th of Jan^{ry} 1695 relating to 12^{lb} 12^s 4^d Claimd by the Adm^r of M^r Payne &c: as money overpaid &c^a.

dd to M^r Plater M^r Batemans L^{re} & a Warr^t from the Com^{rs} for prizes abt paym^t of 10^{lb} p Gun unto Cap^t Hurle &c^a

Delivered also by his Ex^{cy} unto the s^d M^r Plater a L^{re} by him Rec^d from M^r John Bateman of Londⁿ Dated the 10th of Jan^{ry} last past relating to Cap^t Hurle & the f^rench Prize by him taken &c^a.

Delivered also at the Same time a Warr^t from the Com^{rs} for prizes for paym^t of 10^{lb} p Gun (unto Cap^t John Hurle Commander of the Ship Providence) for every Gun the Ship John of Bourdeaux taken by the s^d Hurle was (at the time of her Capture) Mounted with.

Mr Plater Ord^d to make answer to M^r Batemans L^{re} &c^a

Ordered that he make Answer to the s^d Letter and Signifye th^t his Ex^{cy} the Govern^r has Rec^d no Command neither from his Ma^{ty} nor the Lords of the Admiralty thereabout nor has medled with any of the Money; But if the Said Commissioners, have any Such Power in this place that they would do well to Send an Exemplification thereof and appoint an Officer here to manage that Concern.

Mr Clarke Ordered to deliver up unto M^r Plater all navigacⁿ Bonds &c^a

Ordered that M^r Philip Clarke Navall Officer of Potomock District deliver unto Geo: Plater Esq his Ma^{ty} Receiver Gen^l all Navigation Bonds (now in his Custody) upon the s^d M^r Plater giving Receipt for the Same, and th^t such as have not been duly complied with, be by him put in Suit forthwith. p. 388

Coll Thomas Ord^d to send down all the broken Arms &c^a

Ordered that Coll: John Thomas send down to the Port of Annapolis the broken Arms he Carryed up from Petuxant th^t they may be sent for England this fleet.

Lib. H. D.

By his Ex^{cy} the Govern^r &c^a Aug^t the 27th 1696.Ord^r abt the
Ordinary
keepers

Ordered that the Severall Ordinary keepers within the Port of Annapolis give an Acco^t to his Ex^{cy} (from time to time) of all Strangers Coming to their houses, whether by Land or water; and of all boats, Shallops, and Sloops, and to Signifye from whence they Come and whither they are going; to the End his Ex^{cy} may have notice, when he has Occasion to Send away dispatches to any parts of the province whereby a great Charge may be Saved to the Countrey in pressing mens horses &c. for the Carrying Such dispatches afores^d.

A Commission
Constituting
Collo
Nicholas
Greenberry
Judg of the
Vice Ad-
miralty
Court on
the Western
Shore

Gulielmus Tertius Dei Gratia Angliæ Scotiæ
franciæ et Hiberniæ Rex fidei defensor &c^a Dilecto
Nobis Nicholao Greenberry Armigero Salutem ad
cognoscendum in quibuscunq. Causis Civilibus &
Maritimis atq. Quærelis Contractibus Delictis seu
quasi Delictis Criminibus Placitis Debitis Excambiis
Literis partitis Coventionibus Chirographis Onera-
tionum Navium omnibusq. negotiis & Contractibus
quæ Nauta pro Navibus conductis & Locatis debita pecuniam
trajectitiam et nauticum sænus quovis modo tangunt seu
aliquo modo concernunt Litibus transgressionibus injurijs
Extortionibus & Demandis ac Negotijs Civilibus aut maritimis
quibuscunq. inter mercatores aut inter Dominos aut Pro-
prietarios navium aut aliorum vasorum & mercatores seu alios
quoscunq. cum eisdem Dominis & Proprietarijs navium et
Cæterorum vasorum quoscunq. Occupatorum Sive vsitatorum
seu inter quascunq. alias Personas qualitercunq. habitis factis
initis Sive Contractis pro Aliqua re Materia Sive Causa vel
Negotijs Sive injuria quacunq. tam insuper vel per mare aut
flumina publica Seu aquas dulces, Portus Rivos Crecas aut
Loca Superinundata quæcunq. infra fluxum & Refluxum maris
& quæ ad plenitudinem vel Super Littora aut Ripas quascunq.
eidem vel Eorum alicui adjacentis Expedita seu Expediend.
Una cum omnibus singulis Suis incidentibus Emergentibus
dependentibus Annexis & Connexis Causis quibuscunq. seu
qualitercunq. hujusmodi Causæ Querelæ Contractus & alia
præmissa Supradicta vel eorum aliquod Oriri Celebrari con-
trahi vel fieri contingat Juxta Leges Civiles & Maritimas &
Consuetudines Supremæ Curie Admiralitatis nostræ Angliæ
in omnibus Super Occidentale Littus Comitatus ad magnum
flumen Cheshopeak adjacentibus et Portibus Maritimis eorun-
dem quibuscunq. infra Provinciam & Territorium nostra de
Maryland atq. in quibuscunq. Civitatibus Oppidis et Locis in
partibus prædictis pro hujusmodi Causis & negotijs audiendum

& Terminandum & pro justitia in eisdem ministrand^m seden- Lib. H. D.
dum ac Judici aliter & legitime procedendum vna cum omnibus
& singulis suis incidentibus Emergentibus & dependentibus
annexis & connexis quibuscunq Testib. insuper sine gratia
Odio favore vel timore aut alio quocunq de Causa Substrax-
erint ad perhibendum testimonium Veritati in hujusmodi
Causis & singulis juxta Juris Exigentiam compellendam ac
Insuper recognitiones Cautiones Obligationes & Stipulationes
quascunq tam ad usum Nostrum quam ad quarumcunq par-
tium instantiam pro Conventionibus Seu debitis et alijs Causis
& Negotijs quibuscunq capiendum Easq. Executioni ponen-
dum & Exequi faciendum & Mandandum necnon ad debite p. 134
inquirendum et investigandum de & Super omnibus & singulis
bonis proditorum pyratorum homicidarum felonum fugitivorum
& ffelonum de se & de corporibus & personis Submersis aut
aliqua lter ad mortem Suam in mari Portubus Rivis fluminibus
publicis aut Crecis & locis Superinundatis quibuscunq deve-
niend. atq de Mahemio in locis prædict contingen ac de ingenijs,
Cassibus & Retibus Vetitis & illegitimis ac de Occupatoribus
eorundem ac insuper de piscibus Regalibus, Viz' Ballenis Cetis
Reggis Graspitijs Delphinis Sturgeonibus & cæteris piscibus
quibuscunq magnam Sive ingentem crassitudinem Sive pingue-
tudinem in se habentibus Nobis & Officio magni Admiralli
nostri Angliæ de Jure vel Consuetudine pertinentibus seu
aliquo modo consuetis atq etiam de & Super Omnibus aut
Singulis maris Casualibus Bonis Wreccatis fflotson Jetson Lagan
sharis maris Ejecto & Wrecco maris bonisq pro derelicto habitis
& habendis seu Casu fortuito repertis aut reperiendis ac alijs
transgressionibus Delictis Offensis Enormitatibus & Criminibus
Maritimis quibuscunq tam Super alto Mari quam in & Super
Omnibus & Singulis portubus Rivis Aquis dulcibus & Crecis
quibuscunq Littoribus Versus Mare in & per omnes Super
Occidentale Littus Commitatus prædict. infra provinciam &
Territorium nostra de Maryland prædict. et Oras Maritimas
eorundem & eisdem adjacentes qualitercunq quandocunq et
quomodocunq provenientibus & contingentibus commissis &
perpetratis sive perpetrandis & Committendis compertaq &
inventata atq ffines multas Amerciamenta & compositiones
quascunq in ea parte debita & debenda taxanda moderanda
exigenda colligenda & Levanda & Exigi levare & Colligi
facienda atq Solvi legitime compellenda & mandanda atq etiam
de & Super omnibus & Singulis Causis & negotijs Supradictis
ac alijs Conventionibus causis contemptibus & delictis quibus-
cunq qualitercunq contractis Sive emergentibus dumodo Bona
Sive personæ Debitorum infra Jurisdictionem Vice Admirali-
tatis Nostra Provincia & Territorij Nostrorum de Maryland
prædict. in Omnibus Super Occidentale Littus Comitatus

Lib. H. D. prædict. invenientur juxta Leges Civiles & Maritimas ac Supremæ Curia Admiralitatis Nostræ Angliæ prædict. consuetudines ab antiquo vsitas ac alijs Viis modis & medijs legitimis quibus melius Sciveris aut poteris procedend^a ac hujusmodi Causas & Contractus Audiendum Examinand^a discutiendum & ffine debito terminandum (Salvo jure semper provocandi & Appellandi ad Supremam Curiam Admiralitatis Nostræ Angliæ prædict. et ad Judicem sive præsidentem Curia ejusdem pro tempore existente et Salvo Semper Jure Supremæ Curia Admiralitatis nostræ Angliæ predict. necnon Judicis & Registrarij ejusdem Curia quibus & eorum Alteri nolumus derogare per p'sentes) necnon naves personas Res Bona Merces & Mercimonia quacunq pro præmissis & eorum quolibet & alijs Causis quibuscunq ea concernent, vbicunq locorum infra Omnes Super Occidentale Littus Commitatus prædict. in Provincia & Territorio Nostris de Maryland prædict. & partes Maritimas eorundem fuerint inventa seu reperta infra Libertates seu Extra Realiter arrestandum seu arrestari faciendum & Mandandum ac personas quascunq in eâ parte prout Casus Exiget in quacunq Curia Vice Admiralitatis Nostræ Provinciæ & Terretorij Nostrorum de Maryland prædict comparere & respondere cum cujuslibet coercionis temporalis alteriusq pœnæ & mulctæ potestate juxta leges & consuetudines prædict compellandum & Justiciam faciendum et Ministrandum etiam Juris Ordine Servato Seu velo levato sine Streptu & ffigura Iudicij Sola facti & Rei veritate inspecta necnon sumarie & de plano procedendum Reosq et contemptores ac Juris & Jurisdictionis Admiralitatis prædictæ violatores Usurpatores Delinquentes & contumaciter absentes naucleros Marinarios Remiges pisatores Naupegos & Alios Operarios & Expertos quoscunq Res Nauticas quascunq exercentes tam juxta et Secundum prædictas Leges Civiles & Maritimas ac Ordinationes & Consuetudines prædict. & eorum demerita quam Juxta & Secundum Statuta & Ordinationes prædict. ac Regni Nostri Angliæ in ea parte edita & provisa potestatem tibi in hac parte concedimus mulctandum corrigendum, puniendum castigandum Reformandum ac in quibuscunq Carceribus infra Omnes Super Occidentale Littus Commitatus prædict. in Provincia & Territorio Nostris prædict. & Loca Maritima eorundem existen incarcerandum & incarcerari faciendum & Mandandum incarceratosq quoscunq in ea parte deliberandum & penitus exonerandum & exonerari faciendum & Mandandum Sententiasq & Decreta quæcunq promulgandum & interponendum easq & ea Executioni demandandum cum cognitione & Jurisdictione quarumcunq aliarum Causarum Civilium & Maritimarum quæ sunt Maris vel quæ Mari vel Maris per transitum Sive passagium aut iter Navale Sive Viagium Maritimum & Jurisdictionem

Maritimam Supradict. Expedite seu Expedien quovismodo Lib. H. D.
 concernunt seu Respiciunt etiam cum potestate procedens in
 eisdem juxta dictas Leges Civiles & Maritimas & Consuetue-
 dines Curiae praedict. ab antiquo Vsitatam ex Officio mero
 mixto & promotum quam ad alicujus partis instantiam prout
 Casus Exiget & expediens Visum fuerit Vices & Autoritatem
 Nostras ad praemissa omnia & Singula in locis Superius expres-
 sis Salva Prerogativa Supremae Curiae Admiralitatis Nostrae
 Angliae praedict. in Omnibus tibi Committimus ac plenam
 tenore praesentium concedimus potestatem Teq praedictum
 Nicolaum Greenberry Armigerum Commissarium Nostrum in
 dictis super Occidentale Littus Comitatus infra Provinciam
 & Territorium Nostra de Maryland praedict. & partibus mari-
 timis eorundem & eisdem adjacentibus quibuscunq unacum
 potestate alium vel alios Deputatum vel Deputatos quoties tibi
 melius videbitur expedire loco tuo in praemissis deputandi &
 Surrogandi praeficimus Nominamus Ordinamus & constituimus
 per praesentes beneplacito tantummodo duratur unacum omni-
 bus & singulis Vadijs feodis proficiis advantagijs & Commodita-
 tibus eidem Officio qualitercunq competen juxta consuetudines
 dicta Curia Admiralitatis ab antiquo Redditis & Consuetis
 Mandantes & ffrmiter & Stricte praecipientes Vniversis &
 Singulis Dominis proceribus Militibus Justiciarijs ad pacem
 Majoribus Vice comitibus seneschallis Goalarum & Carcerum
 Custodibus Ballivis Constabularijs caeterisq Officiarijs & Minis-
 tris ac fidelibus Subditis & Ligeris Nostris in & per totam
 Provinciam & Territorium Nostra de Maryland praedict. &
 partes Maritimas eorundem & eisdem adjacentes Quod tibi ac
 Deputato tuo cuicunq Nos in Executione hujusmodi Comis-
 sionis Nostrae de tempore in tempus intendentes auxiliantes
 & Obedientes in Omnibus prout decet sub Poena & periculo p. 136
 incumbent Literis patentibus pro dicto Officio in partibus
 respective praedictis alicui alij personae antehac concessis
 Revocatis prout per praesentes easdem Revocamus; Datum
 apud Oppidum & Portum Annapolis in Curia vice Admirali-
 tatis Nostrae praedict. sub sigillo Magno Provinciae Nostrae
 praedict. Vicesimo Septimo die Augusti Anno Domini Mil-
 lesimo sexcentesimo nonagesimo Sexto Regniq Nostri Octavo.
 ffr: Nicholson

A Comission
 Constituting
 Mr Henry
 Denton Reg-
 ister of the
 Vice Admir-
 alty Court
 on the West-
 ern Shore

Gulielmus Tertius Dei Gratiâ Angliae Scotiae
 Franciae & Hiberniae Rex fidei Defensor &^{ca} Omnibus
 ad quos ha praesentes Literae Nostrae Patentes per-
 venerint Salutem Sciatis nos pro & in consideratione
 boni veri & fidelis servitij per Henricum Denton
 Generosum nobis ante hac impensi et in posterum
 impendendi ac ex certis alijs legitimis causis nos in

Lib. H. D. hac parte moventibus dedisse concessisse & confirmasse prout per presentes damus concedimus & confirmamus eidem Henrico Denton officium Registrarij ac Scribatus & Registrariatus Actorumq; causarum & negotiorum quorumcunq; in Curia Nostra Vice Admiralitatis infra omnes super Occidentale Littus Comitatus ad magnum Flumen Chesiopeake adjacentes & partes Maritimas eorundem quascunq; infra Provincia & Territorium nostra de Maryland tam ex officio mero mixto vel promotum quam ad alicujus partis instantiam motæ seu Movendæ nec non custodiam et conservationem Registri Scriniorumq; quærelarum Actorum placitorum Munimentorum Librorum Exhibitorum introductorum & introducendorum in Causis quibuscunq; in prædicta Curia Nostra Vice Admiralitatis in Omnibus super Occidentale Littus comitatibus prædict. infra Provinciam & Territorium Nostra prædict. institutis sive instituendis vna cum omnibus & singulis feodis salariis proventibus Regardis Juribus proficuis & comoditatibus Emolumentis & pertinentiis quibuscunq; eidem officio Registrarii ac Scribatus & Registrariatus actorum Causarum & Negotiorum quorumcunq; Spectantibus & pertinentibus seu quovis modo debitis & consuetis ipsumq; Henricum Denton prædictæ Curiae Vice Admiralitatis Nostræ in omnibus super Occidentale Littus Comitatus prædict. infra Provinciam & Territorium nostra prædict. Registrem sive Registrarium principalem et Generalem ac Registri Scriniorumq; Munimentorum Querelarum Placitorum Librorum Exhibitorum & Exhibendorum omnium & singulorum quorumcunq; in prædicta Curia Nostra Admiralitatis in omnibus super Occidentale Littus Comitatus prædict. infra Provinciam & Territorium nostra prædict. actorumq; causarum & negotiorum quorumcunq; in eadem Curia villo modo expediendum scribam & actuarium per præsentem præficimus concedimus & ordinamus habendum dictum officium Registrarij Scribatus & Registrariatus Curiae Nostræ Vice Admiralitatis in omnibus super Occidentale Littus Comitatus prædict. infra Provinciam & Territorium Nostra prædict. ante dicto Henrico Denton durante Bene placito nostro tantummodo pacifice & quiete in forma prædicta per se vel Sufficientem Deputatum sive Deputatos suos sufficientes una cum omnibus & singulis præmissis ac omnibus & singulis feodis Salariis regardis proventibus Juribus proficuis comoditatibus Emolumentis ac alijs pertinentijs quibuscunq; eidem officio Registrarij Scribatus & Registrariatus actorumq; causarum & Negotiorum ac Registri & scriniorum prædicta Curia nostra Vice Admiralitatis in omnibus super Occidentale Littus Comitatus prædict. infra Provinciam & Territorium nostra prædict. Exhibitorum & Exhibendorum omnium & singulorum quorumcunq; custodiis spectant & pertinent una cum omnibus &

singulis alijs Comoditatibus proficuis & pertinentijs quibus-
cunq eidem officio Scribæ Registoris & Scribatus & Regis-
trariatus actorumq Causarum & negotiorum custodis
Registrarij prædict. Curiae nostra Exhibitorum & Exhiben-
dorum omnium & singulorum in Eadem quorumcunq quo-
vismodo devenien sive spectan Literis Patentibus pro dicto
Officio in partibus respective prædict. alicui alij personæ ante
hac concessis revocatis prout per præsentis easdem revoca-
mus Datum apud Oppidum & Portum Annapolis in Curia
Vice Admiralitatis nostra sub sigillo magno Provinciæ nostræ
prædict^o vicesimo septimo die Augusti Anno Domini Millesimo
sexcentesimo Nonagesimo sexto Regniq nostri Octavo.

ffr: Nicholson.

A Comission
Constituteing
Marshall of
the Vice-
Admiralty
Court on the
Western
Shore.

Gulielmus Tertius Dei Gratiâ Angliæ Scotiæ
Franciæ & Hiberniæ Rex fidei Defensor &^{ca} Omnibus
ad quos hoc præsens scriptum perveniret Salutem
Sciatis vos pro & in consideratione boni veri &
fidelis servitij p

Nobis ante hac impensi & in posterum impendendi
& ex certis alijs causis justis & legitimis nos in hac parte
moventibus dedisse & concessisse ac præsentis scripto Nostro
confirmasse prout per præsentis damus confirmamus & conced-
imus eidem

Officium Marescalli & Servientis ad Clavam Curiae Vice
Admiralitatis Nostræ infra omnes super Occidentale Littus
Comitatus ad Magnum flumen Chesiopeak adjacentes in
Provincia & Territorio Nostris de Maryland & partibus Mari-
timis eorundem & eisdem adjacentibus una cum omnibus &
singulis feodis Sallarijs proventibus Iuribus proficuis comodi-
tatibus & pertinentijs quibuscunq eidem officio Marescalli et
Servientis ad Clavam Curiae Vice Admiralitatis Nostræ prædict.
quovismodo debitis spectantibus & pertinentibus ipsumq.

Marescallum & Servientem ad Clavam Curiae Vice Admi-
ralitatis Nostræ prædictæ ad omnia & singula eidem Officio
spectantiæ fideliter faciendum expediendum & exequendum
præficimus constituimus, Ordinamus, facimus & deputamus
per presentes habendum tenendum exercendum exequendum
& occupandum dictum Officium Marescalli & Servientis ad
Clavam dictæ Curiae Vice Admiralitatis Nostræ infra omnes
Super Occidentale Littus Comitatus ad Magnum flumen
Chesiopeak adjacentes in dicta Provincia & Territorio Nos-
tris de Maryland prædict. & partibus Maritimis eorundem
et eisdem adjacentibus eidem durante beneplacito
nostro tantumodo libere & quiete per se vel Sufficientem

Lib. H. D. Deputatum suum sive Deputatos suos sufficientes in tam amplo modo & forma prout aliquis alius ante hac idem Officium Marescalli & Servientis ad Clavam Curiae Vice Admiralitatis Nostrae praedictae habuit tenuit exercuit occupavit vel gavisus fuit una cum omnibus & singulis feodis Sallarijs proventibus p. 138 Iuribus proficuis comoditatibus & pertinentiis quibuscunq. eidem Officio Marescalli & Servientis ad Clavam Curiae Vice Admiralitatis Nostrae praedictae quovis modo ab antiquo spectantibus debitis & consuetis. Datum apud oppidum & Portum Annapolis in Curiae Vice Admiralitatis nostra Sub Sigillo Magno Provincia Nostrae Praedictae Vicesimo Septimo Die Augusti Anno Domini Millesimo Sexcentesimo Nongesimo Sexto Regniq. Nostri Octavo.

Fran^s Nicholson.

By his Ex^{ty} the Govern^r &c^{ca} Aug^t the 29th 1696.

Order for all
Provi^d busi-
ness to be
made an End
of this next
Court.

Ordered that the Attorneys of the provinciall Court take Care to make an End of all business they are Concern'd with (this next Septemb^r Court) and that no Business whatsoever be Continued by Consent of parties, but where the plantiffe and Defendant doe personally appear in Court and declare such their Consent or the Attorneys (on both Sides) give under their hands that it is the desire of their Clients their Cause Should be continued; And to the End all the Attorneys belonging to the said Court may have Notice hereof the prov^d Clk: is to Serve them Severally herewith and see that due compliance be made therein accordingly.

Whitehall 16th day of September in the Eighth Year of the Reign of our Sovereign Lord King William the Third &c^{ca} Annoq. Dmin 1696.

Present,

His Ex^{ty} Francis Nicholson Esq. Cap^t Gen^l &c^{ca}

S ^r Thomas Laurence Barron ^t Secre ^r	}
The hon ^{ble} Coll: David Brown	
James ffrisby Esq	

A Proclamation for a day of Publick thanksgiving being by Ord^r prepared and Read in Councill was signed by his Ex^{ty} & passed the broad Seal of the province, which followes in these words, Viz^t

By his Ex^{ncy} the Cap^t Gen^l &^{ca} a Proclamation.

Lib. H. D
p. 389

Maryland: ss ffor a Publick Thanksgiving.

A Proclama-
tion for a
Publick
Thankgiv-
ing &^{ca}

Whereas the hon^{ble} S^r Thomas Laurence Baron['] Secretary of this his Ma^{ty} province (being lately Arrived) hath brought the certain intelligence and happy news of his Ma^{ty} good health and of the Kingdoms being settled in peace and tranquility Since the Barbarous conspiracy intended against his Ma^{ty} Sacred Person and the designed invasion of the ffrench; of his Ma^{ty} Safe Arrivall in fflanders, together with the News of the happy Return of the ffleet from the Straits and the Strong Union both of the Armies and ffleets continued with the confederate Princes; All which inestimable Blessings require our publick acknowledgm^t. And fforasmuch as it hath pleased Almighty God of his infinite goodness to Add to all these his rich mercies the favour of seasonable weather, whereby plentiful Crops both of Corn & Tobacco are (this year) likely to be made within this Province, the ffleet being also here Safely Arriv'd; and duly considering that such great & public Blessings doe call for public and Solemn acknowledgm^t. I have therefore thought fit (by the Advice of his Ma^{ty} hon^{ble} Councill) to issue this my Proclamation, hereby appointing & Co^manding that a Gen^l thanksgiving to Almighty God (for these his mercy's and ffavors) be observed on the Morrow being the 17th of this instant September, by the Generall Assembly of this Province within the Port of Annapolis now convened, and by all the inhabitants and others then and there residing or Sojourning, & in the Severall Counties & all other places of the province, on the 22^d day of Octob^r next strictly charging all his Ma^{ty} Loving Subjects within the Same to abstain from Servile and Corporall labour on those days and Religiously to keep the same, and that the Minist^{rs} of the Severall parishes do then read Divine Service and Preach as they will answer the contrary; And to the End due Notice hereof may be given I do further Command the Severall Sherriffs of the Province to make proclamation hereof in all churches chappells and other publick places of meeting within their respective County's.

Whitehall

Given at the port of Annapolis under the Broad Seal of the province this 16th day of Septemb^r in the Eighth Year of the Reign of our Sovereign Lord King William the Third &^{ca} Annoq Domini 1696.

God Save the King. ffr. Nicholson.

The hon^{ble} Coll: Nich^o Greenberry Came & was Aded.

Whitehall

Mason &
Burley's
Pardon &^{ca} Produced and Read his Ma^{ty} Royall Warrant from Whitehall for Mason and Burleys Pardon; Ordered that the same be delivered to M^r Attorney and

Lib. H. D. Solicito^r Gen^l for them to prepare a pardon pursuant thereunto; to pass the Broad Seal of the province.

James
Heighs
p. 390 information
& Remark
thereon

Upon Reading an information of one James Heigh of the Clifts relating to a Privateer that lately came vp this Bay, as ffarr as the Upper End of the Clifts &c^{ca}

Whitehall His Ex^{ncy} and Hon^{rs} are pleased to Remark thereon, that if the Governo^r of Carolina & New Providence do allow themselves the tolleration of fitting out Privateers and countenancing of them, as by certain information rec^d they have done to this, it will be of dangerous consequence to the rest of his Ma^{ty} Governm^{ts} in these parts; especially Maryland & Virginia that lye so naked and open.

September the 17th 1696.

The Council again Sate and were

Present

His Ex^{ncy} Francis Nicholson Esq Cap^t Gen^l &c^{ca}
S^r Thomas Laurence Barron^t Secre^r
Coll: Nicholas Greenberry
Coll: Charles Hutchins
Coll: David Brown
James ffrisby Esq

Whitehall

Coll: Courts
Lre abt his
indisposition
of body
admitted of

Read a Letter from the hon^{ble} Coll: John Courts of the 12th instant giving an Acco^t of a late fit of Sickness rendering him incapable to attend this Councill, therefore desired his absence might be Excused which accordingly was admitted, this Board being Sorry for his p^{re}sent indisposition.

Whitehall

Coll. Jowles
Lre abt
his lameness
likewise
admitted of

Read also a Letter from the hon^{ble} Coll: Henry Jowles of the 14th Instant, desiring to be Excused for his non-attendance, occasion'd through a great lameness, whereby he was disabled to Travell at present, but hoped to be better within a Week or ten days time, and then would give his attendance, if possible, whose Excuse was likewise in manner afores^d admitted.

Whitehall

Coll: Browns
Return of an
Ordr of
Councill abt
the inlet in
Som: Co:

Read a Return of the hon^{ble} Coll. David Brown &c^{ca} pursuant to an Ord^r of this Board of the 10th of July last, Relating to Vessels coming into the Inlet of Somerset County &c^{ca} as follows Viz^t
Somerset County } By Virtue of the within men-
in Maryland: ss } tioned Ord^r of his Ex^{ncy} and

Councill &c^a bearing date the 10th of July last, We the Sub-
scribers have this day inquired into the matter, and have call'd
diverse persons before Us and upon their Oaths made exam-
ination do find there was in that inlet, a deckt Sloop, which
without Entry or clearing did lade and Carry away Sixteen
Barrells of Pork; whereupon We have appointed M^r Thomas
Poynter Dep^y Collecto^r & Dep^y Nav^l Offic^r of the Sea Board
Side, untill his Ex^{ncys} pleasure be further known, all w^{ch} was
done this 24th day of July Anno 1696.

Yo^r humble & obedient Serv^{ts}

David Browne

George Layfield

Rob^t King

Septem. the 18th 1696.

The Councill again Sate and were p^rsent,

His Ex^{ncys} Francis Nicholson Esq Cap^t Gen^l &c:
S^r Thomas Laurence Barron^t Secy^r } Coll: David Browne
Coll: Geo: Robotham } Coll: John Addison, }
Coll: Nich^o Greenberry } Thomas Brooke Esq }
Coll: Charles Hutchins } James ffrisby Esq }

Capt Rich^d Brightwell's Return abt his ranging Read a Return of Cap^t Richard Brightwell Com-
mander of the Party of Rangers in Potomock, as
follows, Viz^t

Pursuant to his Ex^{ncys} Ord^r Dated March the Third
1695/6 Relating to Severall circumstances as in Yo^r Ord^r is
Expressed, I do hereby humbly Represent to yo^r Ex^{ncys} that I
and my Men have ffaithfully and duly complied with yo^r
Ex^{ncys} Ord^r in all points & cannot find in all my Range any
thing worthy observation, this is what is humbly Offered by

Yo^r Ex^{ncys}

Most Obedient humble

Serv^t Rich^d Brightwell

Ord^r abt a more partic- Ordered that he Return a more particular Acco^t
ular Accot of his Ranging and that he Signifye how farr they
of Ranging Range, what Roads they make & what sort of land
it is & such like.

Severall Sberiffs sum- Vpon Reading over the Supernumerary Tytha-
moned abt bles sworne to pursuant to a fformer Ord^r from this
Sup^rnumer- Board, and it being found that due compliance had
ary Tythables not been made therein by these following persons
&c^a Viz^t M^r John Cood late Sherriffe of S^t Maries
County, Coll: John Thomas late Sherriffe of Baltemore County,

Lib. H. D. Mr John Carville late Sherriffe of Cæcill County and M^r Eph-
Whitehall raim Wilson late Sherriffe of Somerset County; Ordered there-
fore that they be Severally Summoned to Appear at the next
Provⁿ Court, and that M^r Attorney & Solicito^r Gen^l proceed
ag^t them for Contempt, and that such of them as do not appear
by the s^d Summons be prosecuted for the same likewise.

Order abt the Sherriffs returning a List of Tax-ables &c^a Ordered that the Sherriffs of the Severall Counties of the Province or their Dep^{ties} do take under the hand of the Master, Mistress, Dame or Overseer of every ffamily house or Plantation within their respective precincts an Acco^t in writing of all the Tythable persons there Residing at the Same time they Usually go ab^t to Collect the Leavys and that where there happens any dispute ab^t the Age of any p^{sons} that in such Case a Return be made by the Sherriffs, of the Names of such persons unto the Justices of the County Courts in Ord^r to be adjudged, that the said Sherriffs doe not faile to return the Severall aforementioned Accⁿ (by them so to be taken) unto his Ex^{ncy} at the port of Annapolis with all Convenient Speed.

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Order abt the Appraismts of Seized Ships & Vessells Upon Representacōn, Ordered that no ship that for the future is Seized be Appraised but lye under Seizure till tryed, it being found that such Appraise- mⁿ are usually under made and the Goods &c^a Undervalued, as appears by a late Appraisem^t made of Cap^t Elys Ship and Goods, particularly a Copper ffurnace, Valued at one pound, but is really worth 10: or 12^l sterl.

Whitehall

Munday Septemb. the 21th 1696.

The Councill again Sate and were p^sent as on Saturday.

Order for Mr Attorney & Sollicito^r Gen^{ls} Opin- ion abt Ships coming from one port to another. Upon Representacōn, Ordered that M^r Attorney and Solicito^r Gen^l return their opinion unto this Board what remedy is to be had against those persons that come out of one District, and Ship Tobacco & ffurs &c^a on Board Ships Riding in another Dis- trict, before they have Certified the same before the Officer where such Ship Rides.

They Report thereon as follows, Viz^t.

Mr Attorney & Sollicito^r Gen^{ls} Opin- ion abt Ships coming from one District to another. May it please yo^r Ex^{ncy}. In Obedience to yo^r Ex^{ncy}'s Commands We have p^used you^r Ex^{ncy}'s Ord^r of Reference and do humbly Report, That a Certificate had from an Officer of another District that the duty of ffurs imposed by an Act of Assembly being there Answered & paid is a suffi- cient discharge for so much mentioned in that Certificate, and

Whitehall

that the Master of such Ship on whom such ffurs are put on Lib. H. D.
board, delivered to the Officer of such Port where he clears
his Ship the Certificate so Granted has justly satisfyed the
Duty of such ffurs as are mentioned in the s^d Certificate and
being Obligated to make due clearing of what more he has on
board, all of which is humbly Submitted to Yo^r Ex^{cy} by

Yo^r most obedient Servants

Geo: Plater

W^m. Dent

Geo: Mus-
champ Esq.
making Oath
to a List of
Ships &c

Came George Muschamp Esq Collecto^r of his Whitehall
Ma^{ty} Customs within the District of Potomock and
made Oath to a List of all Ships by him Entered
and Cleared within the s^d District, since his Officiate-
ing there.

The Comm^{rs}
Lre abt the
20 p Cent al-
lowed &c

Then produced by his Ex^{cy} a Letter from the
Right hon^{ble} the Comm^{rs} of his ma^{ty} Customs,
Dated the 19th of December last past, relating to
the 20 p Cent allowed to his ma^{ty} Collecto^r for Collecting
the 1st p pound and Concerning the Comptrollers & Surveyo^r
Office being let fall &c the w^{ch} his Ex^{cy} gave to the s^d M^r
Muschamp to peruse and take Notice off, which was by him Whitehall
perused accordingly and a Copy thereof Ordered to be given
him.

Commodores
Lre abt the
arrivall of a
Ship.

Read a Letter by his Ex^{cy} received from Cap^t
Charles Wager Comodore of the Virg^a & Maryland
ffleet, Dated the 13th of this instant Septemb. giv- p. 393
ing an Acc^t of the Arrivall of one of the Ships belonging to
the ffleet, called the intelligence, Jonas Moats Master, six
days before, being brought by Cap^t Josias Dan^l Commander
of his Ma^{ty} hired Ship the Prince of Orange. His Ex^{cy} is Whitehall
pleased to Signifye that the s^d Cap^t Daniell acquainted him,
that the Comodores Ordⁿ were to Stay a hundred days after
the Arrivall of the ffleet, and that he intended to Reckon the
s^d days from the s^d last Ships Arrivall.

Ord^r abt
ffrenchmen
not to Reside
in this
province.

Upon Representation and by Advice in Councill
Ordered that no ffrenchmen be suffered to seat in-
habite or Reside, upon any fforreign Plantations or
places Scituate upon the ffrontiers of this province.

Mr Wrioths-
leys deposi-
tion abt M^r
Cood.

Read a deposition of M^r Henry Wriothsley re-
lating to Blasphemous Words Spoke by M^r John
Cood and it being signified that severall other
persons were likewise by at the time of the words speaking

Lib. H. D. Viz' M^r Lumley, M^r ffreeman, M^r Beard, M^r Baye, M^r Loftus, & George Valintine they were all summon'd to appear at this Board to Morrow Morning.

September the 22th 1696.

The Councill again Sate and were p^rsent as before.

Whitehall Mr Cood Ordered to be prosecuted &c^a The severall persons Yesterday Summoned do accordingly Appear and give in their Depositions taken &c^a except the three last mentioned persons, who upon their Examinations seem to Remember nothing materiall.

Ordered that the s^d Cood be prosecuted thereon & forthwith dismissed from his military imploy and that the same be notiyed to the Severall Counties of the Province & the Depositions published &c^a which was done by the following Ord^r Sent to the Severall Counties, Viz'

By his Ex^{ncy} the Govern^r & Councill &c^a

Septemb. the 22^d 1696.

Whitehall Mr Coods dismissall from his Military imploy. &c^a Whereas M^r John Cood of St. Maries County, being by a former Ord^r of this Board constituted and appointed Lieuten^t Colonel of the Militia of the s^d County; but fforasmuch as by the Depositions of severall p^rsons here taken it doth appear that the s^d Cood hath spoke Blasphemy and is generally reputed to be a man of a most flagicious life and conversation, as to Drunkenness, Swearing & all such debaucheries and upon these Acco^{ts} not thought fitt to be Continued in the said Military imploy it is therefore hereby Ordered that (for the reasons afores^d) he be dismissed from his s^d Office or Command of Leivt^t Colonel as afores^d whereof all persons within the s^d County are to take due Notice and the Sheriffs of the Province comanded to make publication of this Ord^r together with Coppyes of the Severall Depositions thereabout taken (herewith sent) to the End all p^rsons may be cautious of keeping him Company; & that the Sheriff of St. Maries County p. 394 serve the s^d M^r Cood with a Copy hereof.

Signed p Ord^r

Hen: Denton C of Concil.

The Depositions follow Viz'

Lib. H. D.
Whitehall

The Deposition of Henry Wriothsley of the Port of
Annapolis.

This Depon^t Sayth.

Mr Wrioths- That happening in Company with Coll: John
ley Deposi- Cood & some others, among their discourse a dis-
tion abt Mr Cood
Cood pute arose between the s^d Coll: Cood & M^r Alex-
and^r Lumley concerning Religion (being Gentlemen of a
different perswasion) and in their discourse or Argum^t the
question was put to M^r Lumley by the s^d Cood whether he
the s^d M^r Lumley did beleive in Jesus Christ, the s^d M^r Lumley
Replyed that he did, why say'd Coll Cood, do you think that
God Almighty ever begat a Son, upon which M^r Lumley
Quoted a text of Scripture written by S^t Paul (the place where
I cannot Remember) Coll: Cood upon that reply'd S^t Paul
may be an impertinent writer, as well as other men; all Relig-
ion lyes in Tullies Offices and further sayth not.

H Wriothsley.

The Deposition of John ffreeman.

Mr ffreemans The aboves^d Deponent upon his Oath Sayth, that
Dep. abt Cap^t
Cood & cca accidentally meeting with Cap^t John Cood (alias
Code) late high Sheriff of S^t maries County in
Maryland in the House of M^r John Evans in S^t maries City in
the s^d County & Province, he the s^d Depon^t heard the s^d Cap^t
John Cood (als Code) speak and audibly express in publick
talk directed to the s^d Depon^t some months before the s^d
Depon^t left his lodgings in the s^d City to attend and accom-
pany the Records of the s^d Province removed to the Town and
port of Annapolis, Anno Domini 169

These following Words.

Viz^t That the Priests of both the Churches, Roman and
Protestant were Rogues; and that it was all one to serve God
or the Devill, for Religion (said he) is but policy. Whereupon
the s^d Depon^t Saying to the s^d Cap^t Cood (als Code) I admire
to hear such things from you who (as I am told) are in holy
Ord^e yo^r Self, the s^d Cap^t Cood (als Code) thus Reply'd, Yes,
I am both Deacon and Priest in the Church of England.

September the 22^d 1696.

Mr ffreemans The above Deposition was sworne to before Whitehall
Oath & cca his Ex^{cy} and Councill by the above named John
ffreeman. Hen: Denton Cl Concil.

Lib. H. D. Mr Lumleys That Alexand^r Lumley of Ann Arrundell County
Dep: abt Coll
Cood & cca Gentl. being Engag'd about his own private business
in the City of Annapolis in the s^d County one M^r
Ridgly did invite the s^d Lumley to come into one Mⁿ Proctors
House to drink with him, which the s^d Lumley did accordingly
& then and there met with a person to him the s^d Lumley then
unknown, but the s^d Lumley being accosted by him the s^d
p. 395 unknown person in an unusuall Dialect did inquire of M^r
Ridgly what his Name was, the said Ridgly told him that the
s^d persons Name was Cood with the addition of Colonell upon
which the s^d Lumley was more attentive to his the s^d Coods
discourse, and in a small time afterwards the s^d Cood told the
s^d Lumley that it was pity he should be a Papist tho he thought
w. all Religion to be a Sham, and that there Never was any such
person as Jesus Christ the Son of God upon Earth, Whereupon
the s^d Lumley being Astonished at the Blasphemy, replyed
that there were great Reasons both internall & externall to
believe the Divivity of our Saviour, and cited a text out of S^t
Pauls Epistles, and then the s^d Cood fell into an Argument ab^t
the possibility of God Almighty's Generateing a Son, and
when he was pressed about the different ways of Generation
according to the Schole Divines; he said S^t Paul was an imper-
tinent fellow and that he did not believe one word he said;
All Religion lyes in Tullies Offices.

Test Alex: Lumley.

Septem. the 22th 1696.

Mr Lumley Then came the aforementioned Alex: Lumley before
sworne abt
Coll: Cood his Ex^{cy} in Councill who made Oath upon the holy
& cca Evangelist to the truth of the aforementioned p^rmisses,
Hen: Denton Cl. Concil.

The Deposition of Rich^d Beard of the port of Annapolis
Aged fforty four Years or thereabouts.

This Depon^t Sayth.

Mr Beards That about three weeks agoe, being in Company
w. Deposition abt the s^d with M^r John Cood of S^t Maries County at M^r
Coll: Cood Nicholas Spourns House within the Port afores^d the
& cca s^d Cood (after some discourse passed betwixt them)
asked the Depon^t whether he never Read in Scripture that
Christ turn'd Severall Divills out of Severall women, & another
person standing by said Yes, he turn'd Seaven out of Mary
Magdalin; Whereupon Cood answered with an Oath Saying,

by God it was all lyes for that the Divell never was in Woman Lib. H. D.
and therefore could not turn any out, and further Saith not.

September the 22^d 1696.

Mr Beard
sworne be-
fore his
Exacy and
Councill &c^a

Then came the above Depon^t before his Ex^{acy} in Whitehall
Councill and made Oath upon the holy Evangelist
that the above Deposition is true.

Hen: Denton Cl Concil.

September the 23^d, 1696.

The Councill again Sate and p^rsent

W.

His Ex^{acy} ffancis Nicholson Esq Cap^t Gen^l &c^a
S^r Thomas Laurence Barron^t Secy^r }
Coll: Nicholas Greenberry
Coll: Charles Hutchins
Coll: David Brown
Thomas Brooke Esq^r
James ffrisby Esq^r }

Drawn up by Ord^r the following Precept directed to the
Sheriff of St. Maries County, Viz^t

A Precept
abt Coll:
Coods
Blasphemy
&c^a

fforasmuch as it hath been made appear by the
Depositions of Severall persons here taken how
that M^r John Cood of St. Maries County (com-
monly called Coll Cood) hath at Sundry times and
in Severall places and Company's Uttered many horrible and
Blasphemous words ag^t the blessed Trinity and our Lord and
Saviour Jesus Christ; denying him to be the Son of God;
whereby he has (as ffar as in him lyes) bid defiance to the
Christian Religion; And whereas it is to be doubted (that
having had liberall Education) he may have set his wits to
worke to defend such his Blasphemous Expressions by writing
or having such sort of Booke or pamphlets, which may prove
of more dangerous consequence to those persons, in whose
hands such writings may chance to Come; and more espe-
cially taking into consideration his Ma^{ty} late Commands to the
R^e Reverend the Bishops for them to give their strict Ordⁿ
and directions that no disputacōns be suffered or Books or w.
pamphlets writ about the doctrine of the Trinity or the like;
Ordered thereupon that the Sheriff of S^t Maries County doe
upon sight hereof goe to the house of the s^d M^r Cood and there
make search for all Books, pamphlets, writings and papers
and (upon refusall of showing thereof) that he break open any

Lib. H. D. lock, trunck, Chest, &c^{ca} and take into his possession all small pamphlets, writings and papers & close seal them up in a bagg, together with a Catalogue or List of all his other Books and so transmit the same unto his Ex^{ecy} in Councill with all convenient speed for the pe'usall of this Board for which this shall be his Warrant, and that he do not divulge this untill Executed at his perill.

W. September the 24th 1696.

The Councill again Sate and were p'sent as before.

Mr Mus- Came George Muschamp Esq' Collecto' of his
champs col- Ma^{ty} Customes within the district of Potomock, who
lection of the Ma^{ty} Customes within the district of Potomock, who
peny p pound made Oath to his Collection of the penny p pound
&c^{ca} making within the s^d District, since his Acting there.
Oath thereto.

Produced and Read his Ma^{ty} Royall Commission constituting the s^d George Muschamp Esq' Receiver of the s^d District.

W. Produced also to the Board his instructions relating thereto both which were Ordered to be Entered in the Councill Book.

Mr Mus- The s^d M^r Muschamp being Required to give
champ re- Bond pursuant to the tenor of his Commission,
quired to came and Offered M^r Philip Clarke and Cap^t Thomas
give Bond Waughop for his Bondsmen, who were accepted
&c^{ca} off; and it being considered, that the Revenue arising and
becoming due within the s^d precinct, being very Small, it will
not be needful that the principall and security do Enter into a
greater Bond than 450^l Viz^t 150^l apeice for the s^d Muschamps
performance of the s^d Trust, which was Ordered accordingly
& drawn and signed to by the s^d Muschamp Clarke and
Waughop.

Coll: Green- His Hon^r Coll: Nich^s Greenberry humbly Repre-
berrys senting to the Board, that he having a long time
Grant to go laboured under some indisposition of body, as also
to Engl. had Severall weighty Affairs relating to himself for to Manage
in Engl. did therefore move that he might be permitted to goe
for England, this ffilet, in Ord^r to better his health and looke
W. after those Affairs that Require his attendance there, which
was accordingly granted him.

September the 25th 1696.

The Councill again Sate & were p'sent as before, except M^r Brooks.

Order of Reference about the Sheriffs leaving their Counties &c^{ca} Ordered that it be Referred to M^r Attorney and Sollicitor Gen^l for them to Consult & Return their Opinion to this Board whether the Sheriffs of the Counties can legally leave their County, during their Shriveltay, & whether the posse can be raised in the absence of the high Sherriffe. Lib. H. D.

September the 26th 1696.

W.

The Councill again Sate and were p^resent

His Ex ^{cy} Francis Nicholson Esq Cap ^t Gen ^l &c ^{ca}	
S ^r Thomas Laurence Baron ^t Secry	} Coll: David Brown Coll: John Addison Thomas Brooke Esq. James ffrisby Esq. }
Coll: George Robotham	
Coll: Nich ^o Greenberry	
Coll: Charles Hutchins	

Motions of three of his Mats hon^{ble} Councill Upon motion made by the hon^{ble} Coll: John Addison & Thomas Brooks Esq that they might be permitted to goe home, the s^d Coll: Addison urging some pressing occasions which require his attendance there; and the s^d M^r Brooks urging that his Servants were now in hand about building a Mill and could not goe forward therewith without his p^resence; Coll: Robotham also desiring the leave of this Board to Retire home in Ord^r to the looking after two Severall Cargoes of Goods w^{ch} Requires his hast at this time—His Ex^{cy} was pleased to say that his Ma^{ty} Royall Instructions unto him does direct that he shall not hold Councils to doe any business of consequence under the number of ffive of the Gentlemen of the Councill being p^resent, unless in case of absolute necessity therefore acquainted them that they would doe well to agree among themselves about it, who should goe or stay, so that ffive might be left, and he should be willing thereto; Whereupon leave was given by Consent to the three aforementioned Gentlemen to goe. W.

Coll: Greenberry desires leave to goe home His hon^r Coll: Greenberry Signifying his present indisposition of body desires leave to Retier home untill Munday next.

Mr Muschamps Bond for his Receivers place &c^{ca} Maryland ss
Know all men by these p^rsents that I George Muschamp of S^t Maries County Esq^r do owe and stand indebted unto our Sovereign Lord King William the Third &c^{ca} in the full and Just sume of One hundred and ffifty pounds Sterl. Money of England & Wee Philip Clark and Thomas Waughop of the s^d County Gentl in the like Sume of One hundred & ffifty pounds sterl. each the w^{ch}

Lib. H. D. paymⁿ well & truly to be made to our s^d Sovereign Lord the King his Heirs & Successo^r We bind our Selves & Each of Us our & Every of our heirs Executⁿ & Admⁿ joyntly & severally firmly by these p'sents; as Witness our hands & Seals this 26th day of September in the Eighth year of his s^d Maⁿ Reign &c: Annoq Domini 1696.

The Condition of the above Obligation is such that Whereas the above bound George Muschamp Esq^r is by his Maⁿ Royall Commission, bearing Date the Eighth day of October Anno 1695, Constituted and appointed Receiver of his Maⁿ Revenue Raised or to be Raised for the Support of Governm^t within the Precinct of the River of Potomock &c^a as by Recourse to the s^d Commission, being had, more fully and at large doth appear; Now if the s^d George Muschamp shall and doe in all things well & ffaithfully discharge and perform that Trust as by the s^d Commission is reposed in him, as also produce and Render before his Ex^{cy} in Councill a true & perfect Acco^t (twice every year) of all Sum^e & Sum^{es} of money or otherwise as shall by him be Collected for the Vse of his Maⁿ within the District or precinct afores^d from time to time and accordingly make Oath to the Same, during the continuance of his s^d Commission, then this present Obligation to be Void and of none Effect, otherwise to Stand and Remain in full force power and Virtue.

Signed, Sealed & delivered }
in the prsence of Us. }

Thomas Laurence
George Robotham
David Browne.

G. Muschamp [Seal]
Philip Clarke [Seal]
Tho Waughop [Seal]

[Apprehension of Pirates.]

By the Lords Justices, A Proclamation.

Tho: Cantuar. I. Sum^{ers} C. S. Pembroke C P. S.
Shrewsbury.

Lords Jus-
tices Procla-
mation for
apprehend-
ing Capt
Every &
other Pyrats
&c

Whereas we formerly received Information from the Govern^r and Company of Merchants of London Trading to the East Indies, That one Henry Every, Commander of the Ship called the Phansie alias Charles, of fforty Six Guns, and one hundred and thirty men, had, und^r English Colours, committed Severall Acts of Piracy upon the Seas of India or Persia, Whereupon we issued a Proclamation, bearing date the 17th day of July last, for the taking and apprehending the s^d Henry Every, and such other persons as were with him in the s^d

Ship in Ord^r to have them punished as Pirates and Common Robbers upon the high Seas; And whereas we have since the Issuing the s^d Proclamation received further Information from the s^d Govern^r and Company of Merchants, Trading to the East Indies, That the s^d Hen: Every hath changed his name, And now goes by the name of Henry Bridgman, and that James Cray, Thomas Summerton, Edward Kirwood, W^m Down, John Reddy, John Stroger, Nath: Pike, Peter Loanes, Henry Adams, ffran: ffrennier, Thomas Johnson, Jos: Dawson, Sam^l Dawson, James Lewis, John Sparks, Joseph Goss, Charles ffalconer, James Murray, Robert Rich, John Miller, John King, Edward Savill, William Philips, Thomas Jope, and Thomas Belisha, together with severall others whose names are not yet discover'd (amongst whom were ffifty two ffrenchmen, ffourteen Danes, & others of other Nations) were with the s^d Henry Every alias Bridgman in the s^d Ship Phansie, When the Severall Acts of Piracy were comitted, and were Aiding and Assisting therein and Shared in the Plunder so by them Pyratically taken, to the Amount of One Thousand pounds a man or thereabouts; And whereas we are Inform'd, That the s^d Henry Every alias Bridgman, with Severall other Persons above Named, have since they comitted such Acts of Piracy left the s^d Ship in the Island of Providence, and are Arrived in Ireland in two Small Sloops and have there dispersed themselves, Some of w^{ch} persons Remain there and others are Come into this Kingdom and the Kingdom of Scotland, as two of their Accomplices, who are now Taken and in Custody, have Confessed and Declared: We have therefore thought fit (by the Advice of his Ma^{ty} most hon^{ble} Privy Councill) to issue this Proclamation, hereby Declaring That the s^d Henry Every alias Bridgman, together with the s^d Severall persons above named, and others Englishmen, Scotchmen & fforreignⁿ to the number of about One hundred and Thirty, did Steal and Runn away with the s^d Ship from the Port of Corunna in Spain; and th^t neither the s^d Henry Every als Bridgman, nor any of the Persons above Nam'd had any Comission or Authority from his Ma^{ty} to Comānd the s^d Ship or the men therein; but that the s^d Henry Every alias Bridgman, and the Severall other persons above Nam'd and such others as were with them in the s^d Ship are Pyrates and Robbers upon the high Seas, And we do hereby Charge and Comānd all his Ma^{ty} Admiralls, Captains and other Officers at Sea, and all his Ma^{ty} Govern^{rs} and Comānd^{rs} of any fforts Castles or other places in his Ma^{ty} Plantations and all other Officers and persons whatsoever, to Seize and Apprehend the s^d Henry Every alias Bridgman, James Cray, Thomas Summerton, Edward Kerwood, W^m Down, John Reddy, John

Lib. H. D.

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Lib. H. D. Stroger, Nathaniell Pike, Peter Loans, Henry Adams, Francis
 frennier, Thomas Johnson, Joseph Dawson, Sam^l Dawson,
 James Lewis, John Sparks, Joseph Goss, Charles ffalconer,
 James Murray, Robert Rich, John Miller, John King, Edward
 Savill, W^m Philips, Thomas Joep, and Thomas Belisha, and
 such others, as were with them in the s^d Ship (who may prob-
 ably be known and discovered by the great quantities of Gold
 and Silver of fforreign Coines which they have with them)
 in order th^t they may be brought to Justice and Suffer the
 Just punishm^t of the Law, as Pirates upon the high Seas.
 And we do hereby further declare, That in Case any of the
 Persons above Named (except the s^d Henry Every alias Bridg-
 man) or any other persons who were in the s^d Ship with the
 s^d Henry Every alias Bridgman shall discover the said Henry
 Every alias Bridgman or any other of the persons above
 Named, so as they may be Seized and taken, in Order to be
 brought to Justice, he and they making such discovery shall
 p. 90 have his Ma^{ty} Gracious pardon for their Offences, And we do
 hereby further declare, That such person or persons, or any
 other person or persons who shall discover the s^d Henry
 Every alias Bridgman, so as he may be Seized or taken or
 Shall be otherwise Instrumentall in Seizing the s^d Henry
 Every als. Bridgman, so as he may be Seized or taken, he or
 they making such discovery or Seizure, shall have the Reward
 of ffive hundred Pounds promised in the s^d former Proclama-
 tion, for the Discovery and Seizure of the s^d Henry Every,
 And that in Case any person or persons shall discover of the
 other persons above Named, so as they may be Seiz'd or
 taken, or shall be otherwise Instrumentall in Seizing any of
 the s^d persons, he or they making such discovery or Seizure,
 shall have a Reward of ffifty pounds for every of the s^d per-
 sons, whom he or they shall so discover or Seize, w^{ch} s^d Severall
 Sum^s of ffive hundred pounds and ffifty pounds, the Lords
 Comm^{rs} of his Ma^{ty} Treasury are hereby Required and directed
 to pay accordingly; Given at the Councill Chamber in White-
 hall, the Tenth day of August 1696. In the Eighth year of
 his Ma^{ty} Reign.

God Save the King.

Lords of the
 Councils
 L^{re} to his
 Excy abt
 Capt Every
 & Pyrats &c^a After our very hearty Commendations, whereas
 their Ex^{cy} the Lords Justices of England, have
 Received Information from the Govern^r & Comp^s
 of merchants of London Trading to the East Indies,
 That Henry Every als Bridgman with diverse other
 Persons English and fforreignⁿ having Runaway with the Ship
 Charles the Second als the Phancy from the Port of Corunna
 in Spain, had Comitted severall Acts of Pyrcy in the Seas

of India and Persia, and having afterwards left the s^d Ship at the Island of Providence, had shared the Plunder so by them gotten and dispersed themselves Their Ex^{cy}s have thereupon thought fit, by Proclamation in his Ma^y name, to require all his M^{ty} Admiralls, Comānders & other Offic^r at Sea, and all Govern^r Comānders and other Officers whatsoever in his Ma^y Plantacōns, to Secure and Apprehend the s^d Henry Every als Bridgman, and other persons Nam'd in the s^d Proclamacōn, and such others as were with them in the s^d Ship, a Copy of which Proclamation you will herewith receive, And whereas Information has been likewise given, that divers Pyrates and Sea Robbers have of late years gone from Severall parts of his Ma^y plantations in America to the Seas of India & Persia and other Remote parts upon the like Piraticall design's and that Some of them have Return'd home again and dispersed themselves in his Ma^y Plantations, with great quantities of Gold and other Plunder. We do hereby in his Ma^y name strictly Require and Comānd you, forthwith upon Receipt hereof, to Cause the s^d Proclamation to be published within yo^r Governm^t and th' for the Suppressing as much as may be all such Evill Practices for the ffuture, whereby the Trade of his Ma^y good Subjects in fforreign Parts may be otherwise greatly disturbed, We do hereby in his Ma^y name Strictly charge and Require you and all his Ma^y Officers and Loving Subjects within yo^r Governm^t to take all possible Care, and use all due means for the Seizing and Apprehending all such Pyrates and Sea Robbers and such as may be reasonably Suspected for the Same, either by Reason of the Great Quantities of Gold & Silver of fforreign Coines they usually have with them, or by other probable Circumstances, And to Cause them to be Streightly imprisoned, and their Ships Goods and Plunder to be kept in Safe Custody untill upon Returning a full Acc^t unto Us, of the s^d Persons, their Ships, Goods and Plunder, with the Evidences relating to them, His Ma^y Pleasure shall be known and Signified concerning them, And so we bid you very heartily ffarewell, ffrom the Councill Chamber in Whitehall the 27th of August 1696.

Lib. H. D.

p. 88

Yo^r very Loving ffrinds

Cap^t Gen^l & Gov^r in Chief
of Maryland.

Tankerville
J Boscawen
P: Berti

Romney
H: Goodricke
Cha: Montague

Lords of the S^r
Council for
Trade &c:
Lre of Quar-
ries to his
Excy

His Ma^y having been graciously pleased by his Comission under the Great Seal of England, to Authorize and Constitute Us his Comm^r for promoting the Trade of this Kingdom and for inspect-

Lib. H. D. ing and improving his Plantations in America & else where We have thought fit to acquaint you that it is his Ma^y pleasure and Express Comānd that the Govern^r of all his fforreign Plantations doe from time to time; give unto Us frequent and full Information of the State and Condition of their respective Governm^t and plantations, as well with the Regard to Adm^{con} of the Governm^t and Justice in those places, as in relation to the Comēce thereof; and more particularly that the s^d Govern^r transmit unto Us yearly Acco^t of their s^d Adm^{con} by way of Journall; together with the Acts of the Assemblys in the respective Plantations; and Exact Accounts of all money given for publick vses, and how the Same is from time to time expended or laid out; All w^{ch} things you are therefore accordingly to observe in relacō to the Province of Maryland comitted to yo^r Charge.

p. 93 Particularly We desire and Require you, by the ffirst opportunity to send us a Compleat list of the Names of the present Councill of that Province, and together with that, a further List of the Names and Characters of such persons as you think proper to Supply the Vacancies that may happen either in the Councill or any other Office wherein they are to be confirmed by his Ma^y approbation.

2. And further We desire you to inform Us by the ffirst opportunity what Number of Inhabitants there are within that whole Province. What of ffreemen And what of Servants; White and Black.

3. How are those Numbers increased or decreased, since yo^r Entrance upon th^t Governm^t Or since the last Estimate that you understand to have been made of them.

4: ffrom whence are any New Inhabitants come into that Province or to what places are they Removed, Particularly, whether to, or from Pensilvania.

5: What is the whole number of the Militia of that Province.

6: What proportion of the Inhabitants are employed in Planting of Tobacco, And what proportion in any other way, and particularly what way.

7: What Commodities are Exported from that Province to England besides Tob^o

8: What Trade is there either by Exportacōn or importation, with any other place; And from whence is that Province now ffurnished with Supplyes particularly of any Māufactures th^t it was wont to be furnished withall from England.

9: How is the Trade of th^t Province increased or decay'd of late years; and what has been the Reason of such increase or decay.

10: What are the p'sent methods used to prevent illegall Trade. And what further methods doe you think adviseable for that purpose.

11: Whether is the Ord^r of yo^r Council of the 14th february Lib. H. D.
1693/4 (that noe Ships should be clear'd in that Province
without giving Security to call upon S^r Edmund Andros in
Virg^a) continued to be observed?

12: What has been the Success of yo^r Proclamation of the
17th August 1695 And the other means you have used against
illegall Trade by way of Pensilvania?

13: What Number of Ships or other Vessells are there
belonging to the Province? And what Number of Sea faring
Men?

14: What Number and what Sorts of those Vessells have
been built there?

15: What Navall Stores of any Sort (masts, Timber, Pitch,
Tar, Rozin, Hemp, Salt peter &^{ca}) is th^t Province able to ffur-
nish? and what facility or difficulty may there be in doing it? p. 94

16: What Manufactures are Setled in that Province, of any
Sort whatsoever.

17: What Nations of Indians are there in that Province, or
upon yo^r Borders? And in what correspondence do you live
with Each of them respectively; ffriend ship or Enmity?

18: What florreign Indians are those (of what Strength, and
what point of the Compass do they lye from you) which are
mention'd in the Journalls of yo^r Council (in the month of
October 1695) to pass along yo^r ffrontiers in their Journeys
Southward?

19: What means have been at any time or are now used to
Convert the Indians in those parts to the Christian Religion?
And with what success?

20: Are any of those Indians brought to live amongst you,
in a Setled way, and to learn our language? And what way
are they, or may they be, made Usefull?

21: What has been the Success of the Treaty with the Sen-
niquos Susquehanetis and Shevanoe Indians in the month of
May 1696?

22: What Number of Rangers are imployed for the Security
of yo^r ffrontiers? What is the Nature of their Service; what
Indians are joyned with them?

23: To all w^{ch} Enquiries we also further desire you to add
whatever else you may in yo^r own Prudence think Conducive to
his Ma^{ty} Service, to the Interest of England, to the Advantage
of that particular Province, and to our Assistance in the dis-
charge of the Trust Reposed in Us?

24: And now we are to Acquaint you that we have Received
yo^r Letters of the 18th of March and of the 12th of June last,
directed to the R^t hon^{ble} the Lords of the late Comitte for
Trade and Plantations together with the Journalls of Council
and Assemblies, and the Laws mention'd in the ffirst of them

Lib. H. D Which we shall lay before his Ma^{ty} together with what you desire about a small Vessell to Cruize upon that Coast.

25: In the last place, as for yo^r desire that a Court of Exchequer may be Erected in that Province, we Suppose yo^r intention therein will be answered by the Settlement of a Court of Admiralty there; about which we have Reason to believe some Order is or will be Speedily taken; so we bid you heartily ffarewell.

Yo^r Loving ffriends

Whitehall Septemb^r } Jn^o Pollexfen } W^m Trumball } J Somers C S.
the 25th } John Lock } Char: Montague } Tankerville
1696 } Abr: Hill } Ph: Meadows }

Munday Septem. the 28th 1696.

The Councill again Sate and were p^sent

His Ex^{cy} ffancis Nicholson Esq^r Cap^t Gen^l &c^a

S^r Thomas Laurence Baron^t Secry^r

Whitehall Coll: Nicholas Greenberry

The hon^{ble} Coll: Charles Hutchins

Coll: David Brown

James ffrisby Esq^r

Ordr for
Mastrs of
ships to
make Oath
abt their
Tobacco
Exported
&c^a
P. 400
Ordered that the following Oath be administred by the Collector & Nav^l Officer of each respective District unto all the Masters of Ships (exporting Tob^o) at their clearing and that in case of the Masters Refusing to Swear that then the Boatswaine or other Officer imployd in the stowing & keeping acco^t of the s^d Tobacco make Oath thereto.

The Oath followes, Viz^t

Whitehall Oath to be
taken by the
Severall
Mastrs of
Ships &c^a
You do swear that the Acco^t of the Tob^o by you now given, Shiped on board the this p^sent voyage is a true & iust Acco^t both of the Tobacco in hogsheds and Bulk, and that no person or persons whatsoever besides had to doe or were actually concern'd in the Shiping on board any other Tobacco than the Acco^t now given, and that you do not intend to take any more Tobacco on board this p^sent Voyage nor suffer the same to be done, without giving an acco^t thereof to the Kings Officer &c^a before you depart the province.

So help you God.

September the 29th 1696.

Lib. H. D.
Whitehall

The Councill again Sate & were p^rsent as yesterday.

Ord^r for a
Proclama-
tion abt the
exportacōn
of Corn &c^a

Drawn up by Ord^r the following Proclamation
which was Read and approved off and signed by his
Ex^{ncy} and passed the broad Seal of the province,
Viz^t

By his Ex^{ncy} the Cap^t Gen^l &c^a

Whitehall

A

Proclamation

A Proclama-
tion abt the
Exportation
of Corn.

Whereas by advice of his Ma^{ty} hon^{ble} Councill
and at the speciall instance and Request of the
house of Burgesses, I caused a Proclamation to issue
under the Broad Seal of this his Ma^{ty} province of
Maryland, bearing date the 15th day of October, last past,
strictly prohibiting the Exportacōn of Corn; And fforasmuch
as it hath pleased Almighty God of his infinite goodness to
bless this province this year with plentiful Crops of Corn &c^a
insomuch that it is thought expedient the s^d Proclamation
should be now taken off and abolished; I do therefore (by
Advice of his Ma^{ty} hon^{ble} Councill & at the sp^l instance and
Request of the House of Burgesses in Assembly now con-
ven'd) hereby Publish and declare the s^d Proclamation to be
null and void and every clause and thing therein contain'd,
Utterly abolished & of none Effect, Commanding the Sheriffs
to make Proclamacōn hereof in all places within their respec-
tive Counties; Given at the Port of Annapolis under the
broad seal of the province this 29th day of September 1696,
and in the Eighth year of the Reign of our Sovereign Lord
King William the Third &c^a

God Save the King. ffr: Nicholson. Whitehall

Barbadoes, Aug^t 27th 96.

Presidt of
Barbadoes
Lre abt the
death of Gov^r
Russell &c.

S^r

It hath pleased Almighty God, to take from Us
his Excellency Coll: ffrancis Russell our late Gover- p. 24
nour, who departed this life on the 7th Instant, by
whose death the Governm^t of this Island is devolved upon us
the members of his Ma^{ty} Councill.

We have therefore thought it Convenient and Necessary to
dispatch to you this intelligence and to lett you know that
it is the desire of Us that the same kind and Constant cor-
respondence that hath been held between you and the former
Govern^r of this Island may be preserved and Continued for

Lib. H. D. the honour and Service of our most gracious King and the Common benefitt of the American Colonys.

p. 25 Some late successes we have had against the ffrench privateers have discouraged them from infesting our Coasts as formerly and his Majesty hath furnished Us with a ffrigott that Sailes extremely well which wee hope will secure our Navigation for the time to come. We have Rec^d advice from Whitehall that a Squadron of Ships with some Land ffoces was preparing in ffrance, to make Some attempt upon the American Colonys; We are therefore with all possible diligence putting our Island into a posture of Defence, in case the Design should be against Us.

And we hope God will defeat both this and all other the undertakings of the ffrench King, this being what Offers worthy yo^r Advice at p^rsent Subscribe

Yo^r humble Servant
ffran Bond p^resid^t

Geo: Mus-
champs
Commission
for being
Receiver of
Potomock
District

William R

William the Third by the Grace of God of England Scotland ffrance and Ireland King Defend^r of the ffaith &c to all whom these presents shall come Greeting Know Yee that we reposing Especiall Trust and Confidence in the ability care and fidelity of our Trusty and well beloved George Muschamp Esq^r of our Especiall Grace certain knowledge and meer Motion have Ordained Constituted and appointed and by these presents doe Ordain Constitute and appoint him the s^d George Muschamp our Receiver of our Revenue Raised or to be Raised for the Support of our Governm^t within the precincts of the River of Potomock within our Province of Maryland in America with full power and authority to Levy Collect and receive all manner of Revenues dutys Imposts and proffits which are or shall from time to time grow due to Us for the support of our Government, within our s^d Province within the s^d Precinct such dutys & Revenues only Excepted as by our Ord^r in Councill bearing date the 26th in the Third Year of our Reign We have declared to belong to our Right Trusty and well beloved Charles Lord Baltemore as Proprietor of our s^d province and for the care and paines of him the s^d George Muschamp in about the Execution of the s^d Office and Employment We have given and Granted and by these p^rsents doe give & Grant unto him the said George Muschamp the fee or Salary of one hundred pounds p^r Annum out of our s^d Revenues dutys Imposts and Proffits arising within the Precincts afores^d to have hold Exercise and Enjoy the s^d Office and Employ^mt of our Receiver of our s^d Revenues dutys

Imposts and proffits within the s^d Precinct together with the s^d Lib. H. D.
 ffee or sallary of one hundred pounds p Annum And for and
 dureing our pleasure and lastly we doe hereby Authorise and
 require the Gov^r of our s^d Province and all other Officers and p. 22
 Ministers whom it Shall or may concern to make allowance of
 the s^d ffee or Sallary of one hundred pounds p Annum to the
 s^d George Muschamp According to the true intent and mean-
 ing of these presents without any further Warrant or directions
 in that behalfe. Provided always and our will and pleasure is
 that the s^d George Muschamp doe not take upon him the
 Execution of the Office of our Receiver of our s^d Revenue
 before he shall have Given good and Sufficient Security for the
 due performance of his said Trust, Given at the Court at the
 Hague this Eighth day of October N S 1695, in the Seventh
 year of our Reign

By his Ma^{ty} Command
 Signified by M^r Blathwayt
 Ste ffox
 Cha Montague
 J Smith

Instructions William R.
 for M^r Geo: Muschamp
 Collector of Potomock
 River in Maryland
 Instructions for our Trusty and Welbeloved
 George Muschamp Esq^r Collecto^r and Receiver of our
 Revenues within the Precinct of Potomack Riv^r in
 our Province of Maryland.

Whereas by our Commission bearing date at the Hague
 the 8th day of October N S 1695 We have thought fit to
 Constitute and appoint you Geo Muschamp to be our Collecto^r
 and Receiver of our Revenues within the District of Potomock
 River within our Province of Maryland in America.

You are carefully and deligently from time to time to gather
 collect and Receive all Revenues Duty's Customes and
 Impositions whatsoever Arising or becoming due unto Us
 and our Governm^t within our Said Province. You shall not
 directly or Indirectly either in yo^r own Name or in the Name
 or Names of any other person or persons or in Company or
 Partnership with any other Trade as a Merchant for your Self
 or as a ffactor or Agent for any other in or for any goods
 Wares or Merchandizes whatsoever.

You shall constantly make and give unto our Govern^r or p. 23
 Command^r in Cheif of our s^d Province for the time being, and
 to William Blathwayt Esq^r Surveyo^r and Audito^r Gen^l of our
 Revenues in America & his Deputy a true and Just account
 of all such Revenues Customs or Imposts So to be Rec^d or
 otherwise Accruing unto Us and our Governm^t within the

Lib. H. D. said precinct and of your issuing thereof as he or they Shall Demand the Same and you Shall duly answer and pay all Such Sum's as shall at any time be remaining in yo' hands to such person or p'sons to whom the same shall be Ordered by the Warrant or Ord' in writing of our Govern' or Commander in Cheif with the advice and Consent of our Councill there and not otherwise upon any Acco' whatsoever.

You shall likewise carefully Transmitt unto the said W^m Blathwayt every six months or oftener a fair State and distinct Account Examined by his Deputy with the particular Vouchers of all such Revenues Duties Customes Imposts and Proffits whatsoever accruing to Us and our Governm' of Maryland within the s^d District and of all money and Vallue of Money rec^d and issued by you pursuant to the Ord' and Warrant of our s^d Gov' or Command' in Cheif as afores^d and of all Arrears due unto Us and our Governm' together with the Names and habitations of all persons as shall Remaine in Arrears of their paym^t and alsoe Duplicates of the sd Acco^t & Papers by the succeeding opportunity in Ord' to be Examined by him & presented to the Commission^r of our Treasury for their approbation or disallowance of the particulars therein Contained According to the Course and Practice in the like Cases within our Kingdom of England, and in Ord' to receive our directions from time to time for the Improvem' of our s^d Revenues.

And to the End you may make and retain a perfect Acco' of all Receipts and payments you are to keep true and perfect Entries of the particular branches of our s^d Revenues in Severall books to be provided & kept by you for that purpose and to Transmitt unto the s^d William Blathwayt a particular Catalogue or Leager of all Persons answerable to Us or our Governm' for any Dutys or paym^t whatsoever as alsoe the particular Sums or Value of Money for which such persons Stand charged & shall be indebted to Us or our Governm' of Maryland from time to time together with Copyes of all Laws and Publick Acts concerning our s^d Revenues And you are likewise every Six months to transmitt as afores^d a Catalogue of Entrys of all goods and Commodities Imported or Exported together with the Names of the Ships and an Acco^t of their burthen guns & men the Names of the Masters and Whether bound and generally you are to keep a Correspondence with our s^d Surveyo^r and Audito^r Gen^l touching the afores^d Revenues and to send unto him by all opportunities Such Informations as shall Occur relating thereunto.

And in regard it may happen there may be some things which cannot be so well foreseen here as observed by our Govern' or Command' in Chief you are therefore to follow such Rules and directions as you shall from time to time

receive from him for the manageing collecting and Account- Lib. H. D.
ing of and for our s^d Revenues Provided the same be not con-
trary to the Ord^r and directions given unto you or to be given
by us or our Commission^{rs} of Treasury or High Treasurer for
the time being and Provided also that you doe not in any wise
or any other by yo^r Ord^r intermedle with the Moyety of two
Shillings p hogshead the Duty of 14^s p Tun or the Quitt rents
belonging to my Lord Baltemore as Proprietor of our s^d Prov-
ince but that you leave the same to be Collected and received
by the s^d Lord Baltemore or his Agents without any lett or
hindrance from you or yo^r und^r Officers Given at our Court at
the Hague the Eighth day of October N S: 1695 in the 7th
year of our Reign.

Cha: Montague } By his Ma^{ty} Com^{and}
J Smith } Signify'd by M^r Blathwayt
Ste ffox

At a Councill &^{ca} September the 30th, 1696.

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Present.

His Ex^{cy} ffrancis Nicholson Esq Cap^t Gen^l &^{ca}

S^r Thomas Laurence Baron^t Secry. }
Coll: Nicholas Greenberry }
Coll: Charles Hutchins }
Coll: David Browne }
James ffrisby Esq }

Lieuten^t Coll: Richardson of Baltemore County Appearing
here at this board to Answer a certain complaint made ag^t
him for marrying Thomas Hedge of the s^d County who has a
wife in England, and th^t the s^d Coll: Richardson upon his
Examination justifying himself therein and behaving himself
in a Scornful & deriding manner in Contempt of his Ma^{ty} Au-
thority and this hon^{ble} board; Ordered therefore that the s^d
L^t Coll Richardson be dismissed from all manner of Publick
imploy & places within this Province & prosecuted for the
Same, and th^t the sheriff of Ann Arr^l County do upon sight
hereof take the s^d L^t Coll: Richardson into Custody and him
Safe keep, Untill he shall thence be delivered by due course
of Law.

September the 30th 1696.

Ordr abt Tho: Hedge Vpon Representacōn made to this Board
& L^t Coll Richardsons that Thomas Hedge Clerk of Baltemore p. 401
prosecution &cca Or-
dered th^t it be Referred County Court had lately been married to
to M^r Attorney & Solli- another woman notwithstanding his having
citor Gen^l & the rest

Lib. H. D. of the Lawyers in Town, where a p^rson having a wife in Engl. & married another in the province the wife in Eng: still living: what the Law says in the case, & what prooffe is Required to make the same appear; & th^t they make Return of their opinion therein to this Board.

a wife now living in England & that one Lieu^t Coll. Richardson tho conscious thereof did presume to perform th^t Office; Ordered thereupon that M^r Attorney and Sollicito^r Gen^l make due proceedings ag^t them for the same.

Whitehall October the 2^d 1696.

The Councill again Sate and were p^rsent

His Ex^{cy} Francis Nicholson Esq Cap^t Gen^l &c^a

S^r Thomas Laurence Baron^t Secry. }
 Coll: Nicholas Greenberry }
 Coll: Charles Hutchins }
 Coll: David Brown }
 James ffrisby Esq. }

A Peticōn concerning Navigacōn Bonds &c^a Read a Petition preferred by Severall Persons bound for Mastⁿ of Ships in Navigation Bonds, desiring longer time for procuring Certificates &c^a Severall of the s^d Petitiono^rs appearing & being admitted to speak thereto; His Ex^{cy} was pleased to tell them that they cannot complain in point of time, for that there was publick notice given at the City of S^t Maries, the ffirst provincially Court after his Ex^{cy}s Access to the Governm^t and since by the Collecto^rs and Nav^l Offic^rs who were Ordered to give like notice and therefore could not stop the Current of the Law, having taken an Oath before his Ma^{ty} to see the Acts of Trade and Navigation duly Executed as also late Ordⁿ and directions from the R^t hon^{ble} the Lords Commission^rs in Councill and from the hon^{ble} the Lords Comm^rs of his Ma^{ty}s Customs together with a late Act of Parliam^t with severall other papers Rec^d relating to Trade to see the same vigorously put in Execution; the which his Ex^{cy} directed M^r Attorney Gen^l (who was sent for) to shew to the Peticon^rs for their perusal & Satisfaction, who accordingly tooke the same and withdrew in Ord^r thereto.

Whitehall The hon^{ble} Coll: Henry Jowles Came and was Aded.

Motion of Esq^r ffrisby to goe home &c^a Vpon Motion of the hon^{ble} James ffrisby Esq how that a Ship of Cap^t Lurtings came wholly directed to him which could not proceed to loading till his Return therefore prayed leave of the Board to Retire home in Ord^r thereto which was accordingly Granted him.

October the 3^d 1696.

Lib. H. D.

The Councill again Sate and were p'sent as Yesterday Whitehall except Esq' ffrisby.

Ordr to the
Severall
County
Courts abt
the publick
allowances.

Whereas upon perusall of the Severall County Court Leavys it is thereby found that Severall persons have taken upon them to demand and actually Receive Tobacco Leavyed by the Justices of the s^d County Court, and the s^d Justices to make allow-
ances to persons for sundry things contrary to Law, it is therefore considered by this Board and Ordered that no allowances (for the future) be made in the publick Leavys of the Counties where the Law does not expressly direct the same, unless it be for fixing the publick [Arms] and for the necessary charge of conveying them &c^a or some allowance given towards maintenance of their poor &c^a or to the persons or Officers tending upon the s^d Courts according to fformer Custome, but that the latter be in no respect allow'd unless the fixing the publick Arms &c^a as afores^d be taken care off; hereby Commanding the Sherriffs to publish this Ord^r at their Severall County Courts.

p. 402

Whitehall

Produced and Read a certain Representacōn or complaint of the Bal. County Burgesses unto the house of Assembly (which was from thence referred unto his Ex^{ty}) relating to the Delaware Indians molesting their parts by hunting &c^a setting forth that they were Aliens and therefore under no Articles of peace with this Govern^t the s^d Burgesses were sent for and asked their Opinion what Remedy they thought most suitable in this behalfe, who after having given their Opinions and the s^d matter being maturely Debated & Consulted it was Resolved and Ordered that a Copy of the s^d paper be sent to the hon^{ble} William Markham Esq L^t Govern^r of Pensilvania, desireing him to cause the same to be communicated to the s^d Indians and to know of them what they have to say in Excuse of what is Complain'd ag^t them; and M^r Boothby Signifying that he is shortly designed for Pensilvania is Ordered to Carry the Same, & to discourse Govern^r Markham ab^t it; the s^d Complaint followes in these words, Viz^t

Whitehall

A Complaint
abt Indians
sent to Gov^r
Markham
&c^a

M^r Speaker and Gentlemen of the House of Burgesses.

Complaint having been made to Us the Representatives for the County of Baltemore by the inhabitants thereof that the Delaware Indians a people as well Aliens to Us in point of Trade as for that they were never yet Allied to Us by any League of ffriendship or Treaty Entered

Whitehall

Lib. H. D. into with this Governm' yet hunting among Us on Sufferance doe dayly Committ Severall trespasses by destroying the Stocks of the inhabitants and appear amongst Us contrary to the Articles of Peace made with our Neighbouring Indians & Allies w^{ch} greivance we have Represented to his Ex^{cy} the Govern' who for Answer says, he is willing to Redress the same in such manner as the House of Assembly shall propose, We therefore the Representatives of the County afores^d doe humbly desire this hon^{ble} House would take the same into your consideration & propose such methods for Suppressing the same as in your wisdom you shall think fit, having put this motion in writing, pursuant to an Ord^r of this House lately passed.

Edw^d Boothby
George Ashman
John Hall
John fferry.

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By the House of Burgesses.

Septemb. 30th 1696.

Whitehall The above agreivance Referred to his Ex^{cy} who is humbly desired to take such Methods as in his wisdom he shall think fit to Redress the Same.

W Bladen Clk Assembly

Ord^r abt the Justices of the County Courts &c^a Ordered that the Sherriffs and Clerk of each respective County Court within this province take a constant Acco^t in writing of the hour the Court sits & of the hour when they break up (during the severall times of the s^d Courts Sitting) And for to Express and Remark therein, whether all the Justices then Sitting doe actually continue sitting those hours, w^{ch} Acco^{ts} so as afores^d taken (after every Courts Sitting) are by the s^d Officers to be sworne to before some Magistrate and Return'd unto his Ex^{cy} at the port of Annapolis from time to time.

Whitehall

October the 3^d 1696.

Produced and Read M^r Attorney & Sollicitor Gen^l Report upon the above Ord^r of Reference as follows Viz^t

To his Ex^{cy} the Gov^r & Councill &c

Mr Attorney & Sollicitor Gen^{ls} report upon the Ord^r of Reference In obedience to this Command Wee humbly signifye that by the Laws of England Sherriffs may not depart their Counties but once in the Year to make up their Acco^{ts} in the Exchequer. But by

the constant practice of this province they have Ordinary Lib. H. D.
used to depart & goe out of their Counties, and We have
not known any Evill thereby; But that the high Sheriff only p. 399
can raise the posse Comitatus w^{ch} is humbly submitted to your
Ex^{ncy} by

Yo^r humble Servants

Whitehall

George Plater
Will^m Dent

The Report
approved off
abt the Sher-
iffs &c^a

The s^d Report was approved off, and it was Or-
dered thereupon as it is hereby Ordered that (for
the future) no Sheriffe depart or leave his County
(during his Shrivalt) unless particularly sent for by his Ex^{ncy}
the Govern^r or that they come up to the Port of Annapolis in
Aprill the vsual time when they make up their Acco^u being
otherwise (by the Opinion of the Lawyers) deemed to be con-
trary to the Law of England.

October the 3^d 1696.

Whitehall

The Return
of Coll:
Coods bagg
of papers
&c^a

A Return was made of the above Warrant and a
bag of papers belonging to the s^d Cood was pro-
duced to this Board by the Under Sheriffe of S^t
Maries County close sealed up pursuant to the afore-
s^d Ord^r which were delivered to the Clerk of the Council for
his keeping, till a further opportunity Offered for p^rusing the
same.

Munday, October the 5th 1696

Coll: Coods
Papers prused
by his Mats
hon^{ble} Coun-
cill & sent
back &c^a

The s^d bagg of papers was by Ord^r again pro-
duced, broke open and p^rused by his Ma^{ty} hon^{ble}
Council, but finding nothing material, save a Navi-
gation Bond which was Ordered to be delivered to
M^r Attorney Gen^l and 3: or 4: Letters passed
betwixt Doct^r Payne and him about his Commissaries Office
the s^d papers were put up again and Ordered to be Return'd
to the s^d M^r Cood by the Officer that brought them.

Whitehall

The Coron^r
of the port
of Annapolis
Return abt
a decd: per-
son &c^a

The Coroner of this Port having made a Return
of the Inquest by him taken upon the body of a
Person Yesterday decd: within the same Suspected
to be murdered; and upon complaint made that
some of the Man of Warrs Seamen were concern'd
therein; Ordered that Copy thereof be sent to Cap^t Daniell
Commander of his Ma^{ty} hired Ship the Prince of Orange who
is hereby desired to bring his Doctor and what other Doctors
are near, on Shore, for to veiw the body and do what further

Lib. H. D. shall be thought requisite in that behalfe, and that the persons suspected accused be forth coming & prosecuted for the same.

Whitehall

October the 5th 1696.

The Councill again Sate and were p'sent as before.

Order to the Sheriff of Talbot County to make inquiry abt a decd person
Ordered that M^r Nicholas Lowe high Sherriffe of Talbot County make particular inquiry into the death of Cap^t Thomas Salmon late Comand^r of the Ship Habitation of London now Riding in Chop-tanck River and Strictly Examine the Seamen what time he left the s^d Ship what apparell he had on, and what Rings, Money or other goods of Value he carryed with him; when he left the Ship and what men went with him, and to give a discription as well of the s^d Mast^r as Men; all which he is to make Return of unto his Ex^{ty} at the Port of Annapolis with all convenient Speed, as also get the Coroners Inquest passed upon the s^d Salmons body or an Authentick Copy thereof to be transmitted likewise at the same time

Whitehall

October the 6th 1696.

The Councill again Sate and were present as yesterday. Read the following Peticōn Viz'

To his Ex^{ty} ffancis Nicholson Esq Cap^t Gen^l & Governo^r in Cheif of Maryland &c^a

The humble Peticōn of Thomas Jones of Somerset County Gentⁿ

Humbly Sheweth,

Thomas Jones Pet.
That you^r Peticon^r being ffirmy bound with Cap^t Henry Smith in a Bond of 320^l Sterl that if a certain Ship called the Recovery Burthen ffifty Tons, which then lay under Seizure p Edward Randolph Esq should be Legally condemned yo^r Petition^r should pay the s^d money That the s^d Ship was by Court of Admiralty condemned but not legally, being altogether ag^t Law; for the party concern'd and who should have Defended the Same was Never Summoned, called nor did appear, and So the Tryall and Judgm^t was ex parte: But Yo^r Peticon^r could not bring a Writt of Error on the Same, because his Attorney William Dent refused to Serve him therein alleadging to yo^r

p. 404

Whitehall

Peticon^r that he was Commanded to the Service of his Ma^{ty} as Sollicito^r Gen^l The p^rmises considered yo^r Peticon^r humbly Prays yo^r Ex^{ty} to give Ord^r to the s^d Attorney to Serve him for his ffees in bringing of a Writt of Error on the s^d Judgm^t and as in Duty bound shall ever Pray.

Thomas Jones

Order for
Mr Attorney
to make
Report abt
the s^d pet. Ordered that the s^d Petition be Referred to M^r Lib. H. D.
Attorney and Solicito^r Gen^l for them to make
Report whether the Pet^r has not made a false Sug-
gestion therein and whether a Writt of Error does
properly lye from the Court of Vice Admiralty here:

The s^d Ord^r of Reference came Reported as follows, Viz^t Whitehall
In Obedience to yo^r Ex^{ncys} Commands I have
Mr Platers
Report upon
the s^d Pet
&c^a perused the within Peticōn and doe humbly con-
ceive the same to be grounded upon a false sug-
gestion for that the Petition^r who was then Attorney
of Cap^t Henry Smith the Principall who was then out of the
Province was Solemnly called to defend the Informacōn why
the proceedings of the s^d Court may appear, And as to the
Writt of Error to the Vice Admiralty Court I humbly Con-
ceive it does not lye there, that being a Civill Law Court, all
w^{ch} is humbly Submitted to by

Yo^r Ex^{ncys} humble Servant
George Plater

Ordered that Copy of the s^d Report be given to the Peti- Whitehall
con^r if he Requires it.

Doctr Lock- Docter Jacob Lockerman late Sherriffe of Dor-
ermans chest^r County came & made Oath before his Ex^{ncy}
Accot of a & Councill that he has but one Supernumerary
Supernumer- Taxable to give an Acc^t of; for w^{ch} he is ready to
ary Taxable give Credit—He is Ordered to acquaint Some of
&c^a the Committee of Acco^{ts} therewith.

Geo: Lay- Came George Layfield Esq Collecto^r of his Ma^{ty}
field Esq Customes within the District of Pocomoke and
acc^t of Ships made Oath to a list of Ships and to the penny p
&c^a pound by him collected within the s^d District unto this day.
His Ex^{ncy} at the same time giving a Letter by him Rec^d
from the R^t hon^{ble} the Comm^{rs} of his Ma^{ty} Customes for
his perusal the s^d Letter bearing Date the 19th of Decemb^r Whitehall
1695 and does direct the setting a side the Comptrollers place
and the giving an Allowance of 20 p Cent for the future for
the collection of the penny p pound &c^a

His Ex^{ncy} Taken into Consideration what places will be
& Councill's most proper for the Ships now in the Countrey to
consideracōn Meet at, after their being loaden, that they may goe
abt the down together with the Man of Warr lying here in
Ships Ord^r to Joyne the ffeet In Virg^a und^r the Command of Cap^t
Wager the Commodore, Whereupon Cap^t Daniell Com-

Lib. H. D. mander of his Ma^{ty} hired Ship the Prince of Orange being sent for came accordingly & was discoursed ab^t it and it was Agreed upon that all the Ships lying up the Bay should meet at the Mouth of Petuxant River where the s^d Cap^t Dan^l intends to fall downe with his Ship and attend there accordingly
 p. 405 & that all the Ships up Potomoke should meet at the Mouth of St. Maries River and th^t Ord^r issue to the severall Collecto^r & Navall Officers to give Notice thereof which was done
 Whitehall as followes, Viz^t

Ord^r ab^t the Ships attend- Vpon Representation and by Advice in Councill ing the Men Ordered th^t all the Ships Riding up the Bay doe of Warr (after their being loaden & Cleard) Repair unto the Mouth of Petuxant River and all the Ships up Potomock unto the Mouth of St Maries River, there to attend in Ord^r to goe Down together with Cap^t Daniell Commander of his Ma^{ty} hired Ship the Prince of Orange to Joyne the ffeet in Virg^a under the Command of Cap^t Wager Commodore of the Virg^a and Maryland ffeet; and that the Officers give Notice thereof accordingly; and as for the Ships (if any) that Clear out of Pocomoke district, that the Collecto^r and Nav^l Officer take Bond for their calling upon the Commodore at Point Comfort or other place where the ffeet is made up in Virginia; and that Maj^r King transmitt What Bills he takes unto George Plater Esq his Ma^{ty} Receiver Gen^l

October the 6th 1696.

Rich: Kil- Richard Kilbourn of the port of Annapolis being bourn Dep: Examin'd before his Ex^{cy} in Councill, upon his Oath abt Mr doth say that ab^t Six weeks ago being in Company Cood &c with M^r John Cood at M^r Spourns House, where he was forced by the s^d Cood to drink he heard the s^d Cood amongst
 p. 396 other extravagant talk Say that he believed a dog or a Cow or a Swine had souls as well as men, and being weary of Such company and for his horrible cursing and Swearing he went his way and did not stay a Quarter of an hour in the House, but that he left M^r Bouye, M^r Bonner, M^r Stanley & one Sam^l Turner a Taylor in his company.

John Stanley being Sworne says that he was in Company
 Whitehall with M^r Cood at the same time with M^r Kilbourn and does Remember the s^d words spoke by M^r Cood which M^r Kilbourn hath made Oath to and that he had been at Severall other times in his company and alway's heard him talk profusely and after a bantering sort of manner.

His Ex^{cy} is pleased to Remark from the Severall Lib. H. D.
 Remark abt foregoeing Depositions and does Appeal to the
 Coll: Cood whole Assembly and Countrey, whether or no ex-
 &c^a cessive drinking, Blasphemous lewd talking cursing and swear-
 ing has not been the s^d Coods constant manner and practice.

That the Reasons which ffirst induced his Ex^{cy} not to Ad-
 minister the Oaths to the s^d M^r Cood, whereby he might be
 qualifed to sit in the House of Burgesses was by reason of
 his being a Priest, but how disingenious he proved in the thing
 is left to all mens considerations when by denying his Priest-
 hood, he put the House upon the prooffe thereof, and that
 when he was admitted he openly told them he was a Priest,
 and after he had kept the Countrey ffive days ab^t that Dispute
 at very great Costs and Expences, he at last perceiving how it
 was like to goe with him, pretended that his wife was sick and
 desired leave of the House to goe home.

October the 7th 1696.

The Councill again Sate and were p^rsent as before except Whitehall
 Coll: Jowles.

a l^{re} abt the death of the Govern^r of Barbadoes Read a Letter by his Ex^{cy} Rec^d from the hon^{ble}
 ffancis Bond Esq President of his Ma^{ty} hon^{ble} Coun-
 cill of Barbadoes Dated the 27th of August last past,
 giving an acco^t of the Death of his Ex^{cy} ffancis Russell Esq
 Govern^r of the s^d Island, the which was Ordered to be Entered
 in the Councill Booke.

October the 8th 1696.

The Councill again Sate and were p^rsent as Yesterday with
 the Addition of Coll: Jowles.

Mr Geddes appointed reader of all Saints parish Vpon Representacōn and by advice in Councill
 Ordered th^t M^r Andrew Geddes Schole Master this
 year sent in by the R^t hon^{ble} & R^t Reverend the
 Lord Bishop of London be admitted by the Vestry-
 men of all Saints parish in Calvert County to Officiate there
 as Reader untill further Ord^r and th^t he be paid out of the Whitehall
 40^{ll} Tob^o p poll of the s^d parish the Sum of Ten thousand
 pounds of Tobacco p Annum, pursuant to a late Ordinance of
 Assembly in that behalfe issued, the s^d parish consisting of
 ffive hundred and odd Tythables.

Mr Bradley & Mr Tylor appear abt an Ord^r of Councill &c^a Came Robert Bradly & Robert Tylor Gent^o two
 of the Justices of prince Georges County in Obe-
 dience to a late Summons issued from this Board
 who being asked the Reason why the Court diso-

Lib. H. D. beyed a late Ord^r of Councill Commanding the Justices of each respective County to give their directions to the Constables of the severall hundreds for the taking a New List of Taxables. The s^d Bradley says th^t he was not any ways knowing thereof
 Whitehall nor ever heard the s^d Ord^r Read. The s^d Robert Tyler says that M^r Holiday the Cheif Justice acquainted the Court that
 p. 406 there was an Ord^r of the Gov^r and Councill for taking a New list of Taxables but he Aded that the Lists had been taken already pursuant to the directions of the Law and thereupon Ordered the Clerk for to Enter an Ord^r that no such ord^r of their Co^t should issue; Whereupon M^r Cooper did Enter such an Ord^r without any Debate or Consent of the rest of the Commⁿ—They are Ordered to withdraw and after some consultac^{on} thereon had, being called in again, they are told that this being the first fault and considering the Originall Cause of disobeying that Ord^r proceeded from the s^d M^r Holliday, they were dismissed with a Caution to have a Care how they Offended in the like Nature again.

Octob^r the 9th 1696.

Justices of Prince Georg's County Excuse & pardon abt an Ord^r of Councill
 Came and appeared M^r Thomas Holiday, M^r William Barton M^r David Small & M^r John White ffour more of the Commⁿ of Prince Georges County pursuant to summons—They are asked the Reason why they disobeyed a late Ord^r of his Ex^{cy} relating to the constables taking a New list of Taxables who for answer say th^t they find they have been in an Error, for w^{ch} they are very Sorry & do humbly beg pardon; and in particular M^r Holliday does say that he understanding that he was Represented the only refractory person in causing the s^d Ord^r of his Ex^{cy} to be disobeyed, but does averr that all the rest of the Justices which were then upon the Bench did Assent and give their Opinion in the matter as well as himself w^{ch} he says the rest of the Justices now p^rsent can affirm, who doe affirm the same to be true. They are Ordered to withdraw and the matter being consulted they are called in again
 Whitehall and are told, that having taken into consideration their Submission and acknowledgm^t of their fault they are Excused for this time (not for that there are a great many Offenders) but with this Caution that they have a Care how they Offend in the like nature again. M^r Hutchinson the other Commⁿ not appearing to make his Excuse is Ordered to be dismissed from the Authority of a Justice of peace and he is hereby accordingly dismissed; but this Board not being willing to put the County to the charge of a new Commission, doe Ord^r the other seaven to Officiate at p^rsent by the old Commission.

Ord^r to Mr. Plater abt Twenty pds to be paid to Mr Collyer &c^a Ordered that George Plater Esq his Ma^y Receiver Gen^l pay unto M^r Thomas Collyer riding Surveyo^r on the Eastern Shore the Summe of Twenty pounds Sterl out of the ffines and fforfeitures arising and becoming due within this Province being so much by Commission (bearing date the 22d of August 1695) allowed him yearly for Executing the s^d place of Riding Surveyo^r Lib. H. D. Whitehall

Ord^r abt Twelve pounds Sterl to be pd to Mr Peirce. Ordered that the s^d George Plater Esq do likewise pay unto M^r Dan^l Peirce riding Surveyo^r of Cæcill County the Summe of Twelve pounds Sterl allowed him yearly for Executing the s^d place, as by Commission bearing date the 5th day of march last past does appear.

Ordered th^t the Justices of the prov^l Court and Lawyers thereto belonging be Summoned to appear at this Board to morrow morning in Ord^r to consult the most convenient time to adjourn the s^d Court to. Whitehall

October the 9th 1696.

The Councill again Sate and were p^resent as before.

The Justices and Lawyers pursuant to Summons yesterday doe according appear, and the appearance Dockett being produced and inspected, whereby was found to be abt 120 appearances, it is therefore adjudged that there will be an absolute necessity for having another Court in December next without w^{ch} severall persons will be fforced to goe without their Debts this year; and the same was concluded on accordingly. p. 407 Whitehall

Ord^r to the Justices of the prov^l & the severall County Courts to finish all business &c^a Vpon Representation and by advice in Councill, Ordered that the Justices of the p^rovinciall and of the Severall County Courts within this province omitt not to finish all business whatsoever depending before them, Viz^t. The Justices of the prov^l (this Court) and the County Court Justices in Nov^r Court next, considering the latter have now power to appoint (upon Occasion) a Clerk and Clerk of the Indictm^{ts} by a late Ordinance of Assembly it being deemed by this Board that delay of Justice is in Effect as bad as denying thereof, and th^t it is apparently the worse both for Plantiffe & Def^t and it is hereby further Ordered that it be Certified from the Justices und^r the severall Clerks hands that all business has been finished this and the s^d November Court, pursuant to this Ord^r and it is Observed to the Justices that it

Lib. H. D. having pleased Almighty God of his infinite goodness to send a Seasonable year whereby great Crops of Corn and Tobacco are likely to be made and that it is a good Mast year, So that the people indebted can Never pay their debts in a better time.

Whitehall This Board does further Strictly charge all the Magistrates & Justices of this Province in generall (in his Ma^{ty} name and as they will answer it at the day of Judgm^t) that they see all the Laws put in strict Execution especially ag^t Sabath breaking, Blasphemy, cursing, Swearing, drunkenness; and Ag^t known Adulterers, ffornicato^{rs} and persons that have two wives; but more especially that they take care to punish such Offences as they are Eye and Ear witnesses of. And it appearing by the Prov^l Court dockett inspected by his Ex^{cy} and Councill this morning that there are ab^t 120 Appearances, so that another Court must shortly necessarily be held before the fleet goes out, otherwise a great many persons are likely to goe without their debts this year therefore it is considered By this Board that the prov^l Court be adjourn'd untill the ffirst Tuesday in Decemb^r next, hereby directing that the same be adjourned accordingly, it being always his Ex^{cy}s intent that Speedy Justice should be done to all persons in this province, and does hope for the future for to bring matters so to bear as to have business goe through all the Courts of the province within the compass of a Twelmonth & for the Courts to be more Early: This is further to give Notice that the Court of Chancery will be held likewise in December next and the Commissaries Office and the Govern^t and Councill will also then sitt to hear Appeals and Writts of Erro^r the severall Sherriffs of the Province being directed to publish this Ord^r

Ord^r abt five of the Councill Meeting &cca Ordered that ffive only of the Gentlemen of the Councill living on this side the Bay and nearest to this place have Notice to Meet in December next, by reason of the Winter Weather & difficulty of passing the Bay at that time.

Whitehall p. 408 Ord^r abt the Man of Wars Gunner to be pd out of the Quarter part of the Revenue Vpon Complaint of George Lingan Adm^r of John Abington dec^d the following precept was by Ord^r (& by Advice of his Ma^{ty} Attorney & Solicito^r Gen^l thereon had) issued; Viz^t

Precept abt Craufords Admrcon &cca Whereas George Lingan high Sherriff of Calvert County Gentl Adm^r of the goods & Chattels of John

for Surrender of his papers to Mr Ligan Present Adm^r of Abbingtons Estate Abington late of the s^d County Merch^t decd: hath Lib. H. D.
before his Ex^{ncy} in Councill made Complaint that
for want of procureing the Books papers and Writ-
ings (belonging to the Estate) out of M^r Crauford's
hands the former Adm^r the Estate will be much
wasted & damnified by means of the Tob^o debts lying still
uncollected and like to remain so this year, unless Speedy
Relief therein is had; And fforasmuch as the Commissary
Gen^l having Certifyed to this Board that it was Ordered &
Decreed by a Co^m of Commission of Review that the s^d M^r
James Crauford should render his Acco^t of his Adm^{con} of the
s^d Estate to the Commissary Gen^l with all convenient Speed,
& th^t pursuant thereto severall Citations have issued out
commanding him to doe the Same, but hath not complied
therewith for which Contempt an Attachm^t hath issued ag^t his
body to bring him to Answer the s^d Contempt, but th^t return
is made th^t they cannot have his body before the s^d Judge for
that he languishes of a Sore and Grievous distemper of body
w^{ch} would hazard his life so to doe; Ordered therefore th^t one
of the Coron^{rs} of the said County living nearest to the s^d
Crauford do (upon Sight hereof Repair to the House of the
s^d Crauford & Command him to send his s^d Acco^t into the
Commissaries Office, and if he cannot appear in person to
pass the same, that he give power to his procurator to pass
the same on his behalfe, and if he refuses so to do, that then
you Seize all his papers Bookes & Acco^{ts} belonging to the
Estate of the s^d John Abington and make return of them unto
the Commissary Gen^l at the port of Annapolis together with
this Ord^r with all Speed, who is hereby Required to see
Speedy Justice done & put a ffinal End to that Affair.

Cap^t Hills denvall of the Nav^y Officers place. Cap^t Rich^d Hill being called for, made his ap-
pearance who was told that Some time ago he had
been dismissed by his Ex^{ncy} from the place of Nav^y
Officer and Justice of the prov^l Court for some Reasons
occasioned by his own talke, by saying that he was discour-
aged in his Office, but was pleased now to tell him that if he
had anything to say in Excuse for himself he would doe well
to Speake it and the thing might perhaps be considered, who
thereupon does say, that he is very sorry that he should be so
unfortunate as to incurr his Ex^{ncies} displeasure by any words
Uttered or Spoke by him, but withal says that he thinks him-
self unqualified for that place of a Navall Officer.

Presented by the hon^{ble} S^r Thomas Laurence Barron^t Secre-
tary to the Board a certain Paper containing matter of com-
plaint ag^t W^m Hemsley of Talbot County which was read as
followes, Viz^t

Lib. H. D. The State of the Case between S^r Thomas Laurence Secre-
 p. 409 tary of the province and M^r William Hemsley of Talbott
 County.

Humbly represented to his Ex^{ty} in Council.

S^r Thomas Laurence being his Ma^{ty} Secretary of
 Complaint this Province, and by Virtue of his Office being
 agt Wm Hemsley abt intrusted with the keeping of all the Records be-
 the Land Records &c^{ca} longing to the Land Office, Brought an Action agt
 the s^d William Hemsley in the year 1694 for that
 the s^d Hemsley in the time of the Revolution and before
 the Government was Settled by his Ma^{ty} or a Secretary ap-
 pointed did procure M^r John LLeuellin who at that time had
 the keeping of all the Land Records to make him out Coppys
 of all the Certificates of all the Lands which from the begin-
 ing of the seating of this Province to that time had been layd
 out and Surveyed in that County by which means the s^d
 Hemsley has in a manner wholly cut off the Legall perquisites
 of the s^d S^r Thomas his Office and takes to himself the proffits
 thereof in Talbot County, & breeds continuall disturbance and
 contention between his Ma^{ty} Subjects who have Lands in the
 s^d County; upon w^{ch} Action the s^d S^r Thomas obtained a Ver-
 dict against the s^d Hemsley, ffor that the damage be sustained
 and the great strife that was thereby fomented between the
 inhabitants did plainly appear both to the Court and Jury.

But fforasmuch as by the s^d Verdict, nor any Judgm^t which
 can be made thereupon the s^d S^r Thomas cannot take away
 from the s^d Hemsley the Coppys afores^d whereby further mis-
 chiefs may be prevented as well to the people of the s^d County
 as to the s^d S^r Thomas his Office—Therefore the s^d S^r Thomas
 humbly Requesteth that yo^r Ex^{ty} would issue forth an Ord^r
 for the Surrender of the s^d Coppys as an Act of State for pre-
 serving the peace and Quiet of the s^d County or Take such
 other measures as shall be thought most convenient to relieve
 all party's injur'd by the s^d Hemleys having the Custody of
 the Copy's of the s^d Record.

By his Ex^{ty} the Govern^r & Councill, Octo. the 9th 1696.

Ord^r to Mr Attorney & Solicito^r Gen^l together with the
 Gen^l to Deposition hereunto Annex't for them to make
 make Report Report to this Board, what is best and most proper
 to be done therein.

Signed p Ord^r Hen: Denton Cl Concil

The which Came Reported as followes; viz^t

Lib. H. D.

To his Ex^{ty} the Govern^r & Councill &c^{ca}

Mr Attorney
& Solicitors
Report abt
issuing a
Warr^t for the
sd Records
&c^{ca}

In Obedience to this Command wee humbly Signifye our Opinion that if it appears that by means of the s^d Records s^d Hemsley creates disquiet and trouble to the good people of the County, The Govern^r and Councill may issue a Warrant for the Seizing the s^d Records Upon his Refusall to deliver them; The Originall purchase of them being illegall and unwarrantable which is humbly submitted to yo^r Ex^{ty} by

Yo^r most obedient Servants
George Plater
Will^m Dent

The s^d Hemsley being sent for and the matter fully Debated he is Ordered to consider thereof and to bring an Answer p. 410 thereto in writing to morrow Morning.

ffrancis Nicholson Esq Cap^t Gen^l & Govern^r in Cheif of his Ma^{ty} Province of Maryland.

To of Somerset County.

Blank Commission for a Deputy Nav^l Officer at the inlet in Somerset County

Whereas by one Act of Parliam^t made in the 15th year of King Charles the Second intituled an Act for the Encouragem^t of Trade, amongst other things it is Enacted for the better prevention of frauds th^t all masters and Commanders of Ships & Vessells coming into any Land, Island, Plantation, Colony, Terretories or places belonging to his Ma^{ty} his Heirs & Successor^s shall make known to the Govern^r of such Land, Island, plantation &c^{ca} or such other person or Officer as shall be by him thereunto Authorized and appointed, in pursuance whereof and for the better Execution of the s^d Act & other Rules Contained in severall Acts of Parliam^t relating to the Duty of a Nav^l Officer as also the Severall Laws of this Province I do hereby Authorize & appoint you the s^d to be Dep^{ty} Nav^l Officer at the Inlet upon the Sea side in the County afores^d under Maj^r Rob^t King Nav^l Officer of Pocomoke District within the s^d province with full power and Authority to Exercise the severall powers therein Contain'd & to observe all such directions as you shall from time to time Receive from the s^d Maj^r King, relating to the Duty of the s^d Office, and all Officers Civill and Military and his Ma^{ty} Loving Subjects are hereby desired and Comanded to be Aiding and Assisting to you the s^d in the Execution of yo^r s^d Office, you having first taken a

Lib. H. D. proper Oath for the same and the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance and Supremacy & subscribed to the Test, the which the s^d Maj^r King is hereby Empowered to Administer as also to take yo^r Bond of one thousand pounds and Security for yo^r due performance of yo^r s^d place & saving harmless & indemnifying me the s^d Francis Nicholson in all Points by reason of this Commission; Given under my hand and Seal at the Port of Annapolis this Ninth day of October in the Eighth year of the Reign of our Sovereign Lord King William the Third &^{ca} Annoq Domini 1696.

ffr: Nicholson

October the 10th 1696.

The Councill again Sate and were p^rsent as before.

October the 10th 1696.

The s^d L^t Coll: Richardson appearing & asking Pardon of his Ex^{cy} & Councill for his rude behaviour at this Board is thereupon Remitted his s^d Offence and Restored as before.

Ord^r to the
Sherriff of
Bal Co. to
Summons M^r
Hall ag^t
Anthony
Drew
Lievtent Coll Richardson comes and informs this Board how that one Anthony Drew of Baltemore County did publickly declare in the hearing of M^r John Hall and Maj^r James Maxwell of the s^d County how that it was Treason or petty Treason to draw up a Company of Soldiers in the ffield without a Commission; Ordered thereupon that the Sherriffe of the s^d County Cause the s^d Anthony Drew to be and appear before his Ex^{cy} in Councill the ffirst Tuseday of December next and that he Summons M^r Hall to be then and there present to give in Evidence &c^{ca}

Mr Hoskins
inserted in
the provll
Commission
Whitehall Vpon producing a New Provinciall Commission, it being Represented that some person wants to be put in the s^d Commission instead of M^r John Stone of Charles County; M^r Philip Hoskins of the s^d County was by Ord^r inserted in his Stead and the s^d Commission Signed by his Ex^{cy} and passed the broad Seal of the province.

The hon^{ble}
Thomas
Tench Esq^r
admitted in
Councill
Whitehall Ordered that if the hon^{ble} Thomas Tench Esq has ffinished his business in the Commissaries Office in relation to Gov^r Copleys Estate, that he be thereupon admitted into the Councill next December Court.

Order to the Vestrys to dispose of the 40 p poll
 Ordered that the Vestrys of the Severall parishes within this Province take care to dispose of the 40 p poll (where Ministers are not placed or inducted and where Churches are actually built) for ready Goods, Money or bills of Exchange pursuant to fformer Ord^r Tob^o being a good comodity this Year; and that the Church Yards be pail'd pursuant to the late Ordinance of Assembly the Sherriffs being hereby directed to give a Copy of this Ord^r to the Severall Vestrys within their respective Bayliwicks. Lib. H. D. Whitehall p. 413

Came George Layfield Esq Collecto^r of his Ma^y Customs in Pocomok District and made Oath to two Acco^u of the penny p pound. Whitehall

Proposed and Read a Certain Return made by Cap^t John Oldton Commander of the party of Rangers in Baltemore County, as followes Viz^t

Capt Oldton's Return abt his Ranging &ca
 An Acco^t of the Roads that are made back of the inhabitants by the Rangers in Baltemore County North East from the Garrison to the ffirst Cabbin fifteen miles, North East to the second Cabin fifteen miles or thereabouts then ten miles further the same course to another Cabin on the North Side of Deer Creek; likewise from the Garrison to a Cabin between Judwins ffalls & the main ffalls of Patapsco a West Course ten miles, then with a West Course to the maine ffalls of Patapsco Ten miles more, which s^d Road being marked & duly and weekly Ranged by me and my Leveten^t according to the Ord^r of Councill from yo^r Ex^{ncys} humble Serv^t to Command
 John Oldton

[Letter from Commissioners of Customs.]

S^r

By L^{re} of the 25th of March last from M^r Pat Mein Surveyo^r Gen^l at Jamaica We are informed that the Ship Expectation John Tench Mast^r from Maryland had discharged at Carasoa sixty hh^{ds} of Tob^o & th^t Jackson the Owner dyed there being an inhabitant of Talbot County within the p^cinct of Patuxen River and it being a generall practice & abuse of Conveying Tob^o Sugars & Indico from his Ma^y Plantations to this Dutch ffactory which gives countenance & Encouragem^t therevnto We desire you will Endeavour to p^rvent the same within yo^r Governm^t And in the mean time to give Ord^r that the Bond taken in Maryland for the s^d Ship be effectually prosecuted for the punishm^t of this abuse, We are

Custom house London,
 10th June 1695.

Yo^r very humble Servants

P. Ward
 C. Godolphin
 Walter Yonge
 Ja: Chadwicke

Govern^r Maryland.

Lib. H. D. Came Mr. Hemsley pursuant to the Ord^r yesterday and p^rsented the following Answer to the Board, Viz^t

Annapolis, October the 10th, 1696

Mr Hemsleys May it Please you^r Ex^{cy}
 Answer abt Books & papers w^{ch} he purchas'd of Mr Llew-ellin. In Obedience to yo^r Ex^{cy}s Especiall Command, I humbly Certifye to your Ex^{cy} that as to those Books and Papers which I purchased of M^r Llewelin were designed for no other Use, than for my own Private Satisfaction, I further Humbly Certifye to yo^r Ex^{cy}s that those papers or bookes which I bought that now there is noe such thing in Nature, And that there now Only Remains with me two collections which I made before the Purchase all w^{ch} I testifye Under my hand and am your Ex^{cy}s humble and obedient Servant

W^m Hemsley

Ord^r referred to the Att^r & Sollicitor Gen^{ll} Ordered that the same be Referred to M^r Attorney & Sollicitor Gen^{ll} for them to Return their Opinions thereon to this Board with all convenient Speed.

Ord^r abt Mr Lewellins Selling a copy of all certificates in Talbot Co: Ordered that it be Referred to M^r Attorney and Sollicitor Gen^{ll} whether M^r John LLeuellins selling a Copy of all the Certificates for Land in Talbot County, was an illegall Act or not, And that they make Report thereof to this Board with all Speed, and whether he ought not to be prosecuted upon the Kings Acco^t

Sr Thomas's Represen-
 tation abt a Seal for Prince Georges County It being Represented by the hon^{ble} S^r Thomas Laurence Barron^t Secretary that the Justices of Prince Georges County have Applied themselves to him for a Seal for the s^d County, being a New Erected County; Ordered thereupon that a Seal be provided accordingly, at the charge of the s^d County; and that M^r Charles Beckweth of Petuxant be employed ab^t it, and that in the interim they make Use of the Private Seal belonging to the Cheif Justice of the s^d Court.

Whitehall

Ord^r abt the Clerks returning the severall Co: Leavys & Vestry proceedings &c^{ca} Ordered that the Clerks of the Severall County Courts and Vestrys make Return of their County Leavys and Vestry proceedings next December Court, and so from that time Annually pursuant to the late Act of Assembly, and th^t the Sheriffs give them notice thereof.

Produced and Read the following motion of the hon^{ble} S^r Thomas Laurence Barron^t Secretary, Viz^t

Lib. H. D.
Whitehall

S^r Thomas Laurence humbly moveth yo^r Ex^{cy} and this hon^{ble} Board.

Motion of
S^r Thomas
abt his Ma^{ty}
Ord^r in
Council

That Whereas his Ma^{ty} Ord^r in Council of the 13th of Feb^{ry} 1695, and which was Recorded in the Council Book May the 20th 1696, hath settled the Land Office in this Province, a Publick notification thereof may be made that all Patents which have been passed since the coming in of the s^d Ord^r of Council may be Recorded in the Secretaries Office and that Coll: Henry Darnall & M^r Carroll may be cautiond not to deliver any Patents to the Parties concern'd till they have been Recorded in the s^d Office according to his Ma^{ty} Ord^r

Whitehall

Thomas Laurence

The which was by Ord^r indorsed as followes, Viz^t

By his Ex^{cy} the Govern^r and Council &c^{ca}

p. 411

October the 9th 1696.

Whitehall

Ordered that the within matter be Referred to M^r Attorney & Sollicitor Gen^l for them to make Report what is proper to be done therein, Referring them to Consult his Ma^{ty} Royall Ord^r in Council.

Signed p Ord^r Hen: Denton C. Concil.

The Report thereon followes, Viz^t

Mr Attorney
& Sollicitor
Gen^l Report
upon the
Ord^r of
Council
&c^{ca}

To his Ex^{cy} in Council.
I am humbly of Opinion that the properest Method to be taken is by a Proclamation to Notifye to all persons what places their Patents are to be Recorded in; and also a precept to my Lords Agent &c^{ca} not to deliver any Patents till they be Recorded in the Secretaries Office as his Ma^{ty} Ord^r directs, which is humbly Submitted to yo^r Ex^{cy} by

Yo^r most obedient Serv^{ts}

George Plater
W^m Dent

Whitehall

Ordered that a Proclamation and precept issue accordingly.

Maryland ss

Mr Denton's
Nav^l Officers
Bond &c^{ca}

Know all men by these p^rsents that We Henry Denton and Charles Carroll of the Province of Maryland afores^d Gentl. are holden and ffirmly

p. 56

Lib. H. D. bound unto his Ex^{cy} Francis Nicholson Esq his Ma^{ty} Cap^t Gen^l & Cheif Govern^r of this Province in the full and Just sum of One Thousand pounds of lawfull money of England to be paid to the s^d Francis Nicholson Esq his Ex^{ty} Admⁿ or Assignes to the w^{ch} paym^t well and truly to be made we bind our Selves & Either of Us by himself our & Either of our heirs Ex^{ty} & Admⁿ Jointly & Severally for the whole and in the whole firmly by these p^sents witness our hands and Seals this Tenth day of Octo. 1696.

The Condi^cōn of this Obligacōn is such that whereas his Ex^{cy} Francis Nicholson Esq afores^d hath Commissionated and appointed the s^d Henry Denton to be Navall Officer of the Port of Annapolis within the s^d Province by his Commission bearing Equall date with these p^sents, Now if the s^d Henry Denton shall well and truly perform the s^d Office, according to the severall Acts of Parliam^t in th^t Case made and provided & shall observe the directions contained in the Acts of Assembly of this Province relating to the Duty of Nav^l Officers & from time to time Save defend and keep harmless the s^d Francis Nicholson Esq from all damage loss and charges that he the s^d Francis Nicholson Esq shall sustain at any time by reason of the s^d Dentons non performance of his s^d Office (so long as he shall Enjoy the Same) as is in the s^d Severall Laws Enacted and Ordained Then the above Obligacōn to be void & of none Effect otherwise to be & remain in full force & Virtue.

Sealed & deliv^d in p^sence off.

Hen: Denton (Seal)

Thomas Laurance

Char: Carroll (Seal)

Edw^d Boothby

Maryland: ss

Mr Dents Know all men by these p^sents that we Will^m
Nav^l Offi- Dent and Edward Boothby of the Province of Mary-
cers Bond land Gentl. are holden and firmly bound unto his
&ca his Ex^{cy} Francis Nicholson Esq his Ma^{ty} Cap^t Gen^l & Cheif
Govern^r of this Province in the full & Just Sum of One
Thousand pounds of Lawfull money of England to be paid to
the s^d Francis Nicholson Esq his Ex^{ty} Admⁿ or Assignes to the
which paym^t well & truly to be made We bind our Selves and
either of us by himself our & either of our heirs Ex^{ty} & Admⁿ
Jointly and Severally for the whole & in the whole firmly by
these p^sents, Witness our hands and Seals Octo. 10th 1696.

The Condi^cōn of the above written Obligacōn is such that
whereas his Ex^{cy} Francis Nicholson Esq afores^d hath Com-
missionated and appointed the s^d W^m Dent to be Navall Officer
for Potomack River within the s^d Province by his Commission

bearing Equall date with these p'sents Now if the s^d W^m Dent Lib. H. D.
p. 57
Shall well and truly perform the s^d Office according to the
Severall Acts of Parliam^t in that Case made and provided and
shall observe the directions contained in the Acts of Assembly
of this Province relating to the Duty of Navall Officers and
from time to time Save Defend and keep harmless the s^d
francis Nicholson Esq from all Damage Loss and Charges
that he the s^d francis Nicholson shall Sustain at any time by
reason of the s^d Dents non performance of his s^d Office (so
long as he shall Enjoy the Same) as in the s^d Severall Laws is
Enacted & ordained, Then the above Obligacōn to be void and
of none Effect Otherwise to remain in full force and Virtue.

Sealed & deliver'd in the W^m Dent (Seal)
p'sence of Us. Edw^d Boothby (Seal)
Thomas Laurence
George Plater

Octo. the 2^d 1696.

Maj^r John Thompson.

Mr Smithson Pay unto Coll: Casparus Herman the Sum of One
Note to Mr hundred pounds take his receipt in part of two hun-
Thompson dred & ffifteen Pounds six Shill^s & Eight pence
to pay One Ordered him in my hands by the Assembly make
hund^d pds good paym^t & take in this Noate and you shall have
to Coll Her- man Creditt for the same upon yo^r Acco^t

To Maj^r Jno Tho^s Smithson Treasurer on the Eastern
Thompson Navl Officer at Sassafrax Shore.

October the 12th 1696.

The Councill again Sate and were p'sent as before.

Ordr abt Ordered that what persons as shall be Summoned
prsons not out of any of the Counties on the Eastern Shore to
Coming in bad weather Serve as Grand Jury men next December Court to
be held at the port of Annapolis &c^a that if by chance they
meet with such bad weather after their Setting out as that
they Cannot reach to be here by the ffirst day of the s^d Court, Whitehall
that then they Return back again & doe not Come, for that
their places (upon such Accidents will be Supplied out of the
other Counties, whereof the Sherriffs are to Give Notice to the
s^d Persons accordingly.

Came Maj^r Robert King Nav^l Officer of Pocomoke District, Whitehall
who made Oath to his collection of the 1st p^h hhd. amounting
to the Sume of 37^l 14^s 04^d Sterl.

Lib. H. D. Came M^r Philip Clark Nav^l Officer of Potomock District
Whitehall who made Oath to his Collection of the 1^s p hhd amounting
to the Summe of 101^l 18^s 06^d Sterl.

Came George Plater Esq Collecto^r & Receiver of Petuxant
District who made Oath to his Collection of the 1^s p hhd
amounting to the Summe of 358^l 13^s 00^d Sterl.

Ordr to the Collectors & Nav^l Officers to pay his Ex^{ncys} dues &c^a Ordered that they Severally pay unto his Ex^{ncys} the
Govern^r three ffourth parts of the s^d Impost, pur-
suant to his Ma^{ty} Royall Instructions for the Same;
as also the Additionall Duty of 3^d p hhd. by them
collected and by Act of Assembly Setled upon his
Ex^{ncys} for which Warr^{ts} accordingly issued and were Signed by
his Ex^{ncys} Viz^t

One Warr ^t directed to Maj ^r Robert King for paym ^t of the three fourths parts amounting to	} 28 : 05 : 09
One other Warrant to Ditto for paym ^t of the Additional 3 ^s p hhd. amounting to	} 09 : 08 : 07
p. 414 One Warrant directed to M ^r Philip Clark for paym ^t of the three fourth parts amounting to	} 76 : 08 : 10½
One other Warrant to Ditto for paym ^t of the Additionall 3 ^s p hhd. amounting to 39 ^l : 02 ^s : 03 ^d part whereof was for 1090 hhds brought from Virg ^a the quart ^r p ^t of the 1 ^s p hhd col- lected, amounting to the Summe of	} 25 : 09 : 07½
One Warrant directed to George Plater Esq for paym ^t of the three fourth parts amount- ing to	} 268 : 19 : 09
One other Warrant to Ditto for paym ^t of the additionall 3 ^s p hhd amounting to	} 089 : 13 : 03

Ordr aht the Quarter part of the Revenues in M^r Platers hand &c^a Ordered th^t the Ballance of the Quarter part of
last Years Revenue remaining still in M^r Platers
hands amounting to the Summe of 134^l : 07^s : 09^d : ¾
Sterl. as also the Quarter part of this Years Revenue
now made up amounting to the Summe of 124 : 11 :
05 : ½ Sterl sterl be appropriated to the fflurnishing
the Arms &c^a for the Use of this Province, according as his
Ma^{ty} Royall Instructions doe direct.

Arms &c^a now to be sent for, Viz^t

Arms to be sent for out of the Quarter part of the Revenue &c^a Two hand mortars more, 40: Granado Shells, 100:
ffusees, with proper wadding and directions how to
Vse them; and if there be any instrum^{ts} necessary
for setting of them, that One for Each County be
sent in.

Six powder tryars more, six Lanthorns, six brass Cumpasses, Lib. H. D.
six horse pickers six perspective Glasses.

Twelve Molds for Musket, Carabin & Pistoll Bullets.

Twelve Worms, Twelve Sockets, Twelve budge barrells to
Carry powder in.

ffifty hand Bills.

Whitehall

That the Rest of the Money be laid out in Granadoes Arms
for foot, Viz^t Slung ffusees Sanguin'd or otherwise fited the
best way to keep them from Rust with Cartouch boxes &
hatchets answerable.

Ord^r abt the
3^d p hhd to be
towards
building the
Church at
Annapolis.

Whereas by a late Ordinance of Assembly it is
directed that the impost of 3^d p hhd upon Tobacco
due to the Countrey shall (for and dureing the con-
tinuance of one whole year) be appropriated for and
towards building a Church at Annapolis & paid to
his Ex^{cy} for that Vse; Ordered therefore that those Offic^{rs}
Collecting the other Duties, due & payable to his Ex^{cy} doe
at the same time include the s^d Additionall Duty of 3^d p hhd
in his Ex^{cy}s Bills, but that (for their own Security and Satis-
faction of the Countrey) they keep an Exact Acco^t thereof for
which his Ex^{cy} will be Answerable & accountable to the
Countrey accordingly.

Whitehall

Vpon Representacōn; Ordered that a Commission issue to
Constitute M^r Philip Brisco of Charles County to be one of
the Coroners of the s^d County.

Presented to the Board by the hon^{ble} Coll: David Brown
the following Paper w^{ch} was Read as followes, Viz^t

Port of Annapolis the 10th of Octo.

Coll: Browns
complaint
agt Sam Wor-
thington

May it Please yo^r Ex^{cy}
David Brown complaining Saith that Sam^l
Worthington (for Some unknown Reasons to me) p. 415
intercepted as was thought the Military address for our County
to be Signed, dayly expecting the same to have come through
my hand, at last was brought by Sam^l Worthington who in
great hast commanded its Signment & accordingly was done,
Supposing That he might have Some Ord^r from a Comand^r
to see the same perfected. But after a long time Came W^m
Bozman Subsheriff & told me he had the Address I told him
had Signed it Some weeks passed & if notwithstanding Sam:
had put a trick upon some person, yet if the 5th of Nov^r
Signing (if fairer weather) that the Northren Officers could
meet I would (notwithstanding Sam: many former Affronts
with this) do what then would be done in the mean time do
with it according as he had begune &c^a The aboves^d Sam: in

Lib. H. D. all places publick & private speaketh undervaluing of me not
beseeming him to yo'

· Ex^{ncys} humble Serv^t

David Browne

Test John

West Robt

Pery Tho:

Jones Jno

Strawbridge

Humbly craving Samuell

Worthington be Suspended from his

Office of Att^r (informacōn may be suggested a
barrato^r) & also from any other place.

Ord^r for Sev-

erall p^{re}ons

Sumons &c^a

by the Sherrif

of Ann Arrll

Ordered that M^r John West, Rob^t Pery, Thomas
Jones, & John Strawbridge be by the Sheriff of Ann
Arrundell County immediately Sumon'd to appear
at this Board to Answer to such questions as shall
be proposed to them, whereof they are not to fail & let him
have here this Summons.

The Sheriff pursuant thereto Came and made Return that
he had Sumond the above mention'd parties who accordingly
made their appearance and were Ordered Severally to give
their Depositions before one of his Ma^{ty} Justices of the pro-
vinciall Court in relacōn to the matter & th^t afterwards the
s^d Depositions & aforemention'd paper be Referred to M^r
Att^r and Sollicito^r Gen^l for them to make Report thereon
with all convenient Speed.

His Ex^{ncy} is pleased to Demand of the Board if there be
anything further (at p^sent) to be Offered in Councill who say
there is not.

October the 12th 1696.

Ord^r for a

Proclamacōn

to issue &c^a

Produced a Proclamation prepared pursuant
thereto which was read and approved off & Signed
by his Ex^{ncy} and passed the Broad Seal of the Pro-
vince, the Tenor whereof followes in these Words, Viz'

By his Ex^{ncy} the Cap^t Gen^l

A

Proclamation

Proclamacōn Maryland: ss

abt Sr

Thomas's

Land Office

Whereas by his ma^{ty} Royall Ord^r in Councill of
the 13th of febr^y Anno 1695 and produced & Read
to and by his Ma^{ty} hon^{ble} Councill here the 20th of may last
past, it is Signified and declared that the Land Office of this
Province is in the R^t of the hon^{ble} S^r Thomas Laurence Barron^t
Secretary and that the Records thereof are alone proper to be
kept by him &c^a And fforasmuch as for want of a due infor-

Whitehall

mation to be given to the good people of this Province where Lib. H. D.
they ought to Apply themselves for the Recording of their
Patents for Land according to his Ma^y pleasure by the
afores^d Ord^r Signified; I have (upon application of the
s^d S^r Thomas, by and with the advice of his M^y hon^{ble}
Councill and according to the Opinion of M^r Attorney
and Sollicito^r Gen^l therein here had) thought fit to Notifye
and make known that his Ma^y s^d Ord^r directs all Patents for
Land to be Recorded in the Land Office among the rest of the
Records there now in the Custody of the s^d S^r Thomas to the
End all persons concern'd may make their application accord-
ingly, hereby strictly charging & Commanding the Severall
Sherriffs of the Province to publish this in all Church's Chap-
pells and other publick Places of meeting within their respec-
tive Counties; Given at the Port of Annapolis under the Broad p. 412
Seal of the province this 12th day of October in the Eighth year
of his Ma^y Reign Anno Domini 1696.

God Save the King. ffr: Nicholson

Ord^r abt Vpon Representacōn and by advice in Councill
Patents for Ordered that noe person for the future imploy'd or
Lands &c^a Concern'd for the R^t hon^{ble} Charles Lord Baron of
Baltimore Lord & Prop^{ry} of this Province or his Agent, ab^t
the issuing out Patents for Land within this Province do
p'sume to deliver any of the same to the parties concern'd,
untill they have been Recorded in the Land Office, among the Whitehall
other Land Records, remaining in the Custody of the hon^{ble}
the Secretary according to the directions of his Ma^y Royall
Ord^r in Councill of the 13th of ffeb^{ry} last past.

Mr Dent M^r W^m Dent being appointed Nav^l Officer of
appointed Potomoke District, in the Room and Stead of M^r
Nav^l Officer Philip Clark Rec^d a Commission from his Ex^{ncy} for
of Poto- the Same & at the Same time gave Bond for his due
mock discharge of th^t trust.

Mr Denton Henry Denton being appointed Nav^l Officer of
appointed the Port of Annapolis in the Room and Stead of
Nav^l Officer Cap^t Rich^d Hill Rec^d a Commission from his Ex^{ncy}
of the Port for the same, having Enter'd into Bond with one Whitehall
of Annapolis Sufficient Security for his due discharge of that trust.
&c^a

The s^d Denton makes Oath to two Lists of Shiping & an
Acco^t in full of what he has been concern'd with as Dep^{ty} Col-
lecto^r within this Port.

Lib. H. D. Francis Nicholson Esq Cap^t Gen^l & Govern^r in Cheif in & over his Ma^y Province & Territory of Maryland in America.

A Power granted to Cap^t Dani^l & his two Lieutenants of the Prince of Orange to take a Privateer. To Captain Josias Daniell Command^r of his Ma^y hired Ship the Prince of Orange (here Riding) and to William Ockman & Isaac Young, Lieuten^{ts} of the s^d Ship Greeting Whereas I am given to understand & am credibly informed how that a certain Privateer or Pyrat of considerable fforce and number of men doth now lye infesting the Bay of Delaware within his Ma^y Province of Pensilvania to the great disquietude and Damage not only of the inhabitants & others Residing thereabouts, but also of his Ma^y good People within this Province, & more Especially of the Seefaring men trading hither, whereby severall Servants & Saylor have been lately known to Runaway & desert their Masters Service and Ship themselves on board the s^d Privateer; And it being adjudged th^t it may be to his Ma^y Speciall Service & good of the Countrey th^t the s^d Privateer be Subdued & Seized, Have therefore thought fit to Authorize and Empower you the s^d Cap^t Josias Daniell William Ockman and Isaac Young or any of you to pass through this Province (in Ord^r to goe to the s^d place by Land) with such force of men; Arms and Amunition &^{ca} as you shall think needfull, upon this Occasion; hereby willing and requiring as also Strictly charging & Commanding all Officers Military and Civill within Cæcill County to be Aiding and assisting to you the s^d Cap^t Daniell W^m Ockman & Isaac Younge or any of you with horses and other Suitable Necessaries for the more Speedy effecting the s^d Design; And in case of the s^d Privateers Resistance or fflying into yo^r County for Refuge, the Colonel thereof & Sherriff are thereupon Straitly Enjoyned to Raise the whole County to Secure them, hereby strictly Commanding & prohibiting all persons from any ways aiding, sheltring, protecting or assisting the s^d Privateers or any of them; And th^t whosoever shall be found tarde herein be forthwith Seized & sent down to the Port of Annapolis, there to be dealt withall according to Law; for all w^{ch} this shall be Sufficient Power & authority; Given und^r the Broad Seal of the Province this 13th day of October in the 8th year of the Reign of our Sovereign Lord King William the Third &^{ca} Annoq Domini 1696.

ffr: Nicholson.

By his Ex^{cy} the Gov^r Octo. the 13th 1696.

About the prizes

This is to Signifye th^t by mistake, the Prizes for the Exercises did not come in this year, So th^t they

could not be had, but th' his Ex^{cy} designs to have them com- Lib. H. D.
pleat by the next fleet, and that any p^rson, either of this
Country or Virg^a may be ffree to put in for the same, pro-
vided he brings a Musket, fluzee or Carabine, a Sword, Pis-
tolls, Byonet & Cartouch box of his owne & not otherwise,
And the Sherriffs are Ordered to give Notice hereof to the
End those p^rsons that have a mind to put in, may send for
England to provide for themselves accordingly this fleet, & p. 420
th' the Sherriff of S^t Maries Charles, Prince Georges & Somers-
et Counties give notice of it to Virg^a and withall Signifye
that the Prizes will be the same as they were last year & th'
(when please God the Same are Arrived) his Ex^{cy} will give
publick notice thereof of the time &^{ca}

Signed p Ord^r
Hen: Denton C of Concil

Octo. 20th 1696.

Coll: Her-
mans Re-
ceipt for
100lbs pd
by Maj^r
Thompson

Then recd: of Jn^o Thompson Nav^l Officer of
Cæcill County the full Sum^e of One hundred
pounds Sterl. in part of two hundred and fifty
Pounds six Shillings & Eight pence by Ord^r of Maj^r
Tho^s Smithson I say received

Casp. A. Herman

p witness
Jn^o Manthrope

By his Ex^{cy} the Govern^r &^{ca}
November the 6th 1696.

Ord^r abt the
Attorneys
appearance
to inspect
the Judgm^{ts}
of the Prov^{ll}
Court &^{ca}

Vpon Representacōn and Complaint of the
hon^{ble} S^r Thomas Laurence Baron^r Secretary how
th' no Judgm^{ts} obtained in the prov^{ll} Co^t of this
Province have been Enter'd up since Nov^r last was
a Twelve month; which neglect will inevitably bring
great matter of Scandall to the Governm^t besides loss and
Damage to all persons therein any ways intrested or Con-
cern'd; Ordered therefore th' all the Attorneys practicing in
that Court, or that have Managed any business there, during
th' time, be and personally appear at the port of Annapolis
the ffirst Tuseday of December next in Ord^r to inspect & look
after those Judgm^{ts} wherein they have been concern'd; & th' p. 416
they Certifye to the Clerk of the Councill of their Receipt of
this Ord^r whereof they are in no wise to fail, as they will
answer the contrary at their peril.

Signed p Ord^r
Hen: Denton C of Concil.

Lib. H. D.

By his Ex^{ncy} the Govern^r &c^{ca} Nov^r 6th 1696.

Ord^r abt Mr Wriothesleya
 taken in
 Custody of
 the Sherriff
 of Ann Arrll
 Co

Vpon the Representacōn & Complaint of the hon^{ble} S^r Thomas Laurence Baron^e Secretary ag^t M^r Henry Wriothesley Cheif Clerk of the provinciall Court of this province how that the s^d Wriothesley (without any Reguard to his Office, or to the ffaithfull discharge of that Trust by the s^d S^r Thomas, reposed in him) hath carelessly Neglected the Execution of his s^d Office in omiting to Enter up the Judgm^t process and proceedings had and taken before the Severall Courts held, since Nov^r last was a Twelmonth, to the great abuse of the Governm^t and to the Loss and damage of the Severall persons intrested therein besides the detrim^t which may Ensue to the s^d S^r Thomas through means thereof; Ordered therefore that the Sherriff of Ann Arr^{ll} County do upon Sight hereof take into his Custody the s^d Henry Wriothesley so that he suffer him not in any wise to depart or goe from without the Limits of the Town & Port of Annapolis, untill he shall have made up Enter'd and ffinished all manner of Process, proceedings and Judgm^t whatsoever passed &c^{ca} in that Court dureing his Officiating the afores^d Office; and untill S^r Thomas be Satisfyed of his having so done, whereof the s^d Sherriff is not to fail giving due heed to this Ord^r as he will Answer the Contrary at his perill.

Signed p Ord^r Hen: Denton Cl Concil.By his Ex^{ncy} the Govern^r &c^{ca} Nov^r 14th 1696.

Ord^r to the
 Sherriff of
 Dorchester
 Co: to take
 Mr Sowter
 into Custody
 &c^{ca}

Whereas M^r Rich^d Sowter of Dorchest^r County Attorney of my Lady Bawden hath been sent to by two or three Expresses to be and appear at the Port of Annapolis in Ord^r to Attend a late Audit appointed by the prov^{ll} Court of this Province betwixt the s^d Lady Bawden and Coll W^m Diggs, whereby a finall End might be made thereof, but through means of the s^d Sowters non appearance, nothing is yet done therein for w^{ch} said neglect and Contempt his Ex^{ncy} is pleased to Ord^r as it is hereby Ordered that the Sherriff of the s^d County do (upon Sight hereof) take into his custody the s^d Sowter, so th^t he send him over und^r Safe & Secure conduct unto the port of Annapolis to be here by the ffirst day of December next to answer the s^d Contempt &c^{ca} and perfect that Affair.

Signed p Ord^r

Hen: Denton Cl Concil.

Sent to Maj^r Cambell.

By his Ex^{ty} the Govern^r &c^{as} Nov^r the 20th 1696.

Lib. H. D.

Ordr abt
penall Navi-
gacōn Bonds

Whereas diverse Provinciall Writts have been lately issued at the Suit of his Ma^{ty} (upon penall Navigacōn Bonds ag^t Sundry persons inhabiting and residing within this province) directable to the Sherriffs of the Severall Counties where resident; And fforasmuch as the greatest part of them were by the Severall Sherriffs returned non est inventus at the last Prov^l Court here held, notwithstanding most of the persons, ag^t whom such Writts were issued are known to goe too & again publickly in the Country about their Necessary Occasions as likewise in their Counties where their habitacōns are, which great neglect & Remissness of the Sherriffs in so weighty affairs (concerning his Ma^{ty} Service) is likely to bring matter of exceeding Scandall to the Governm^t besides loss & Detrim^t to his Ma^{ty} Ordered therefore that no Sherriff (for the future) within this province, receiving any precept or Writt wherein his Ma^{ty} is actually concern'd do p^rsume to make such a Return as a Nonest where the partys to be taken doe actually Reside within his Bayliwick, but that (rather than to fail of his Duty) he Cause the posse of his County to be raised or set a Guard of men to watch the Houses of Such persons so to be taken, under penalty of being displaced & having his Sherriffs bond put in Suit in Ord^r to the paying all such damage as his Ma^{ty} shall sustain for want of the party or parties being taken And whereas Severall Writts are now by Ord^r renewed & issued ag^t diverse persons upon the aforemention'd penall Bonds the Severall Sherriffs concern'd are to take due care to the prosecution of the same and to give publick Notice in their Counties th^t such persons as Evade being taken by the s^d Writts, So that his Ma^{ty} cannot obtain Judgm^t ag^t them this next prov^l Court must not expect to receive any favour hereafter; his Ex^{ty} being Resolved to interceed with his Ma^{ty} for none Save such ag^t whom such Judgm^t shall actually pass.

Signed p Ord^r

Hen: Denton Cl Concil.

By his Ex^{ty} the Govern^r &c^{as} Nov^r 20th 1696

Ordr abt the
Privateers
taking of cat-
tle from Mr
Moll jun^r

Vpon Complaint made by M^r John Moll jun^r how th^t he had lost Some Cattle by the Men belonging to the privateere that lately was in Delaware; Ordered therefore that the Sherriff of Cæcill County make inquiry of the hon^{ble} James ffrisby Esq^r Coll: Casparus Herman, the County Justices and among the Rest of the inhabitants there, whether any other persons have

Lib. H. D. Rec^d damage by them & whether any of the inhabitants of that County are gone away to them, and whether they heard not that the s^d Privateere was Come from Carolina & bound to the Red Sea and th' inquiry be made of the Name of the Master and of what behaviour they have generally been since their Coming there a due Return whereof is to be made und' the hand of those th' give any Acco^t of the aforementioned things & th' M^r Molls deposition be taken before some Magistrate to be sent here by the 8th or 10th of Decem. next if possible, or with what convenient Speed you Can.

Signed p Ord^r

Hen: Denton C Concil.

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By his Ex^{cy} the Govern^r & c^{as} Decem. 1st 1696.

Ord^r abt the
Church yard
at Annapolis

Whereas the Church Yard within the Port of Annapolis is Staked round and that part in particular where the Church is to stand being compassed round with brush; Ordered that no person whatsoever presume either to take away or remove the s^d brush from its place, or trample upon or Ride over it, but that they ride round it, under pain and perill that shall fall thereon, & th' no person presume to pull this down from the place it is Affixed to.

Signed p Ord^r Hen: Denton Cl Concil

By his Ex^{cy} the Govern^r & c^{as} Decem 2^d 1696.

Severall
Recommend-
acons by his
Ex^{cy} to the
Justices of
the prov^{ll}
Court.

It is Represented to the Honrd the Justices of the provinciall Court how th' upon a late Complaint of the hon^{ble} S^r Thomas Laurence Barron^r Secretary of this Province in Relation to M^r Henry Wriothsley Chief Clerk of the s^d Court Setting forth th' no Judgm^t (there passed) had by him been Entred up since Nov^r last was a Twelmonth; upon which his Ex^{cy} upon further Examination into the matter thought it absolutely necessary for his Ma^{ty} Service and the Good of the Countrey to put the s^d Wriothsley into the Custody of the Sherrieff of Ann Arrundell County, with caution not to Suffer him to go from without the Limits of the Town untill he had perfected and made up his s^d Records & c^{as} with Ord^r likewise to the Severall provinciall Court Attorneys for their personall appearance at this Court in Ord^r to inspect that matter & particularly those judgm^t wherein they have been actually concern'd as by the respective Ord^{rs} remaining with the high Sherrieff and the Severall Attorneys may more at large appear—It is now thought Expedient that the s^d Wriothsley

be Surrendered up to the hon^d his Ma^y Justices in Court now Lib. H. D.
sitting to whom it is hereby Recommended & Ordered th^t
such speedy methods be Used & care taken as they shall see
requisite on this occasion; and that for the future (for pre-
vention of a like Evill) a Rule of Court be made (if legall
and proper to be done) for to Oblige the Clerk constantly to
write out fair every night the Minutes or heads of every days
proceedings by him to be Attested and Read over always the
next morning and afterwards delivered to the Cheif Justice
for his Keeping—And it is further Represented that a
Representacōn be made unto his Ex^{ty} what Clerks they think
are Requisite and Necessary to be kept in the Secretaryes
Office for the due Execution and dispatch of all business
thither coming to the End such Ord^r therein may be made as
is fitting.

And it is further Recommended that the two Prov^{ts} Justices
living in Ann Arrundell County be appointed to come to Town
one Week or fortnight as it shall be agreed upon by turns for
to see the s^d Judgm^t Enter'd & th^t it be Recommended to the
Assembly that an allowance be made them for their trouble
therein.

It is also further Recommended th^t a Rule of Court be made
for their Sitting every day by nine of the Clock in the morn-
ing and so to continue Sitting untill four in the Afternoon and
that the Justices Lawyers & other p^rson Obliged to tend the
Court, th^t do not come according to the time appointed be
fined without Excuse.

Signed p Ord^r

Hen: Denton C. Concil.

Gov. Hetch-
ers L^{re} abt
the five
Nations of
Indians.

Sr. I thank your Ex^{ty} for the care you had
of the Packetts. I have mett the Sachems of the
five nations & done my endeavour to Confirm &
Strengthen them in their friendship the inclosed
print will give you particulars.

I have intelligence the ffrech Govern^r intends to Attack
Albany this Winter & has recuities from ffrance which was
confirmed by Cap^t Paxton who some time agoe was prison^r
on Board a ffrech Man of Warr and did learn that Count p. 28
ffrontiniack had such Commands from the ffrech King. A
Party consisting of 21 ffrech & one Indian were sent from
Mount Reall with Commission to doe all the mischief they
Could against the English and Indians of this Province their
Instructions was if possible to gett prisoners and intelligence
13 of them lately appeared near Albany and were encountered
by River Indians who beat them the Cap^t wounded and two

146. H. D. more did Surrend' (the Cap' since dead) A party of Christians and Indians commanded out from Albany to the great lake cutt of their Retreat destroyed their Cannoes & meeting seven whereof the Indian Guide one cut them all to peices & brought in their scalps. I think it needfull for me to Reside at Albany this winter and am this day to imbarque I can have no Assistance from the Neighbouring Provinces I shall doe my Utmost endeavours and hope God will give a blessing I am
 N York S^r Yo^r Ex^{ncys} most humble Servant
 Ben ffletcher
 Novem^{ber} 10th 1696.

An Acco' of the Severall persons within this province of Maryland, th^t Signed to the Association Address presented to his Sacred Ma^{ty} upon the News here Arriv'd of the horrible intended Conspiracy ag^t his Royall p^{erson},

The Tenor of the s^d Address followes in these words, Viz^t

Maryland ss.

The humble and Loyall Address of yo^r Ma^{ty} Subjects the
 in yo^r Ma^{ty} Province of

Maryland.

Dread Sovereign

Tis the Remoteness of our habitations and not the less fervency of our Affections which makes Us (perhaps) later then others in Addressing yo^r Ma^{ty} and Joyning with the rest of yo^r Loyall Subjects in Congratulating yo^r deliverance from the horrid designed Assassination against yo^r Sacred person for w^{ch} we magnifye Gods mercy and acknowledge his providence Looking upon all Engaged therein, as prodigious monsters of ingratitude and Disloyalty who not Content und^r yo^r Ma^{ty} most Serene Governm^t to Enjoy their proportion of Advantages purchased to yo^r Subjects by the Toyl and hazard of yo^r Sacred Person Endeavoured to prostitute them to fforreign Vassalage and Tyranny, It is mannifest our Enemies Dispair of p^rvailing ag^t Us und^r yo^r Ma^{ty} inimitable Conduct which made them attempt by one Single Stroake Levelled at yo^r Ma^{ty} person not only to wound and weaken all English hearts, but all Europe in Confederacy with yo^r Ma^{ty} We all therefore in this our lower Station Desiring to Demonstrate our Selves Loyall Subjects to yo^r Ma^{ty} and true English men by Concurring with our good patriotts in the Parliam^t of England in their Just Resentments of soe flagicious a

design doe with th^m heartily Sincerely & Solemnly proffess Lib. H. D.
 Testifye & declare that yo^r Ma^y is rightfull & lawfull King
 of the Realm of England & all the Dominions thereunto
 belonging And we doe mutually promise & Engage to Stand
 by & Assist Each other to the Utmost of our power in the
 Support and Defence of yo^r Ma^y Governm^t against the late
 King James and all his Adherents According to An Act made p. 29
 in the ffirst year of yo^r Ma^y and of our late most gracious
 Queen Mary of Blessed Memory Entituling an Act declaring
 the rights & Liberty's of the Subjects & settling the succession
 of the Crown And to the same shall Ever add our Earnest
 Prayers th^t God would lengthen yo^r days and Continue you
 among Us in all happiness to the Joy of yo^r people and the
 Terrour of yo^r Enemies; and that yo^r Terrestriall Glory here
 may be Succeeded by that of Eternity.

Signed by the Justices, Grand Jury, and Clerk of the Prov^d
 Court.

Robert Smith	Henry Smith	Gilbert Patteson
John Hammond	Elias King	Thomas Preston
Robert King	Thomas Sprigg	Charles Stevens
Will ^m Hatton	Charles Hemsley	W ^m Wilkison
Edw ^d Jones	Thomas Stocket	Philip Lynes
John Pollard	John Bowles	John Barratt
Thomas Tasker	Henry Green	Jn ^o Salter
Philip Clarke	John Marriott	John West
Philip Hoskins	Henry Cox	Arthur Whitely
Tho: Staley	Edw ^d Swan	John Seargeant
Rich ^d Hill	Sam ^l Luckett	John ^{his} T. baldes
	Henry Norris	<small>Signe</small>
	Rich ^d Chambers	W ^m Turner
		Philip P. H. Holedge
		Jn ^o ^{sign} Wrightson
		Sam ^l Worthington
		James Smith
		Thomas Smith
		Sam ^l Sycamore

Signed by the Civill Officers and Magistrates &c^m of S^t
 Maries County.

Kenelm Cheseldyn	W Bladen	Robert Mason Sheriffe
Rich Cloud	Edward Greenhalgh	Rich ^d Atloe
John Low	Edw ^d Lipton	Ozias Wills
Thomas Waughop	Rich: Gery	John Sikes
Th: Beale	Sam ^l Able	Isaac Pain

Lib. H. D.	W ^m Husbands	John Bright	W ^m Goldthrop
	James Keech	Rich Bucket	John Miles
	Peter Watts	James Baker	Charles Smith
	Dan ^l Bell	W ^m Watts	Roger Tolld
	John Smith	James Seamons	John Dunbar
	Tym: Tracy	John Horne	Edw ^d Horne
	Justinian Tenison	Edw ^d Turner	Solomon Jones
	John Sanner	James Rubetts	

p. 30 Signed by the Military Officers of St Maries County.

John Coode	James Seaman
Thomas Ottaway	Timo: ^{his} C. Cane
Edw ^d Greenhalgh	_{sign}
Thomas Waughop	Thomas Reans
Rederick LLoyd	John Butler
Rich ^d Atwood	

Signed by the Civell Officers & Magistrates &^{ca} of Kent County.

Jo: Hunter	Will ^m Hackett	M Miller
Robert Donn	Robert Peacke	Charles Tilden
Thomas Ricod	Nathaniel Wright	Simon Willmore
David Davison	John Hamer	W ^m ffrisby
Derby Hearn	Nich ^o Clouds	Jn ^o Hinson
	John Hurt	Hans Hanson
	John Waett	Thomas Smith
	William Comegust	James Smith
	Thomas Hicks	John Howskins
	Robert Norest	John Whittington
	Rich Scrivener	Phillip Hopkens
	W ^m Sparkes	Edw ^d Swetnam

Signed by the Military Officers of Kent County.

Thomas Ringgold	W ^m Sparkes Jun ^r	John Robinson
Philip Hopkins	W ^m Hackett	Nich ^o Hurt
W ^m Comegys	William Sparkes	George Smith
Elias King	John Sheepard	John Hurt
John Wiatt	John Hamer	Cornelius Ryan
Thomas Ricod	Thomas Wiatt	W ^m Miller
James Watson	Richard Jagoe	John Hunter
Thomas Coveington	W ^m Boultlot	John Roberson
W ^m Price	Thomas fford	Edward Swetnam
John Hawkins	Thomas Green	Charles Stilden
John Whittington	John Whithall	W ^m Bateman
James Smith	John Loyd	Matt Ward

Sol: Wright	John Merideth	John Wroth	Lib. H. D.
Thomas Beckells	Thomas Coursey	John Chandler	
Charles Wright	Edward Rogers	Rice Jones	
John Jordan	W ^m Glanvell	Robert Ingram	
Gerrard Smith	Griffith Jones	W ^m Powell	
Henry Green	Sam ⁿ Thomas	Isaac Ashley	
John Offley	Hans Hanson	Edw ^d Rush	
Richard Parnes		George Worstley	
Thomas Smith		Jonathan Scholling	
		John Hynson	

Signed by the Civell Officers & Magistrates &^m of Ann p. 31
Arrundell County.

Ben: Williams	W ^m Holland Sherriffe	James Sanders
George Weltall	Thomas Hughes Coron ^m	W ^m Holland junr
Edw ^d Mason	Thomas Odell Corno ^m	Nich ^o Gassoway
Rich ^d Kilbourne	Orlando Greenslade	Sam ⁿ Young
John Hurst		Henry Constable
Charles Harrison		John Worthington
Rich ^d Chesher		Philip Howard
Joseph Sanders		John Dorsey
W ^m Bateman		Seth Biggs
Edw ^d Lunn		Henry Denton
James Parnett		Chr: Vernon Clk.
John Madcaff		
Stephen Warman		
Thomas Reynolds		
W ^m fforeman		

Signed by the Military Officers of Ann Arrundell County.

John Worthington	Matthew Howard	Nich ^o Greenberry
Nich ^o Gassoway	Cornelius Howard	Edw ^d Dorsey
George Eager	Thomas Browne	John Blackmore
Rich ^d Clarke	Jon ^a Neall	Charles Greenberry
Rich ^d Kirkland	James Loy'd	W ^m Holland
Thomas Smith junr	James Homewood	Tho: Hughs
Hugh Merriken	Humphrey Boone	W ^m Horne
Ben ^a Williams	Rich ^d Snowden Senr	W ^m Gibbins
Charles Harrison	John Dorsey	Edw ^d Chapman
Rich ^d Warfield	Philip Howard	Mathias Hughes
John Peasly	Robert Lockwood	Laurence Dryper
Dan ⁿ Marsharte	Rich ^d Snowden junr	Charles Hammond
W ^m Cock	Amos Peirpoint	John Hammond
	John Gaitheso	Henry Hewitt
	Leynoard Wayman	John Selby
	John Devall	James ffoster

Lib. H. D.

John Somerland	Stephen Handcock
W ^m Hammond	John Kotrell
Thomas Dason	Robert Hinwood
Thomas Odell	Nich ^o Oldrudge
Neall Clarke	W ^m Disney
Dan ^l Clarke	Richard Waufield
Christopher Waters	Thomas Green
Thomas Macaly	James Parney
John Willoby	John farbrother
Thomas Baker	John Pallex .
W ^m Green	Jon ^a Warren
John Davis	
Thomas Bland.	

p. 32 Signed by the Civill Officers and magistrates &c: of Talbot County.

Justices

R. Gouldesborough	Nich ^o Lowe Sherriffe	Vestrymen
Thomas Bowdell	Edward Mann Coroner	John Lillingston
W ^m Hemsley	Grand Jury.	James Clayland
Thomas Robins jun ^r		Thomas Robins Sen ^r
Robert Macklin		John Nedells
Hugh Sherwood		ffrancis Chaglin
		Vollentine Southerne
		Henry Carter
		ffrancis Stephens
		Alexand ^r Walters
		Edward James
		W ^m Coursey

Signed by the Military Officers of Talbot County.

John Copedge Cap ^t	Sam ^l Martindell Ensign	George Robotham Col ^l
W ^m Elett L ^t	John Paddison Ensign	Thomas Smithson Maj ^r
Jn ^o Welse Ensign	Thomas Ball Lieuten ^t	John Davis Cap ^t
Rich Kernston } Serg ^{ts}	W ^m Webb Seargeant	Nich ^o Lowe Sherriffe
John Oldson }	David Blornca L ^t	Rich ^d Swetnam
Rob ^t Blunt }	Nich ^o Kolley Searg ^t	John Nedells
W ^m Dowlin } Corp ^{als}	John Clift Serg ^t	James Benson
George Vinson }	Eman ^l Jones Serg ^t	John Ennexson
	Tho: Earle Searg ^t	Thomas Robins
	Patrick Dattoleg Serg ^t	James Stanford Lievtent ^t
	W ^m Jumpe Serg ^t	Thomas Evans Ensign
	Timothy Lane Serg ^t	John Thrift
	Joseph Genid L ^t	Owin Owins Cop ^l
	Josias Booth Corpar ^l	ffrancis Sutton Corp ^l
	W ^m Sanders Corporall	

Signed by the Civill Officers and Magistrates &c^a of Calvert County.

John Bigger	Jn ^o Godsgrace	W ^m Hickman Lib. H. D.
ffra: Hutchins	W ^m W ^{ms} jun'	Tho: Hinton
W ^t Smith	John Smith	
Sam ^l Holdsworth	Rob ^t Sheppard	
John Hance	Rob ^t Hobbes	
George Lingan Sherriffe	W ^m Hutchins	
John Elzey Clk:	Darbey Henley	
Hugh Elles Coron ^r	Clarke Skinner	
Edward Swan	Elvin Rice	
David Hellon	W ^m W ^{ms}	
Geo: Parker	Tho: Blake	
	Ignatius Sawell	

Signed by the Military Officers of Calvert County.

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Henry Mitchell	Clarke Skinner
John Bigger	W ^m W ^{ms} Sen ^r
W ^t Smith	W ^m W ^{ms} Jun ^r
ffrancis Mauldin	Jeremiah Shannadin
W ^m Parker	John Elsegeth
Thomas Blake	John Godscross
Robert Skinner	Rich ^d Keene
Hugh Ellis	Jochen Kiesfild
Robert Currey	Henry firneley
John Wilson	

Signed by the Civill Officers & Magistrates &c: of Charles County.

Geo: Tubman	Justices	Vestrymen	Grand Jury
John Bayne	W ^m Barton	Philip Lynes	W ^m florster
Srffe	Henry Hawkins	John Stone	Walter Storey
Tho ^s Whichaley	James Smallwood	Gilb ^t Clarke	John Boaker
Sub Sherrffe	Philip Hoskins	W ^m Dent	John Tibalds
Tho: Stone			Cornelius Haddock
Sub Shiffe			Rob ^t Benson
Philip Briscoe	W ^m Stone		W ^m Newman
Jos: Manning	John Hanson		Joseph Harrison
Rich ^d Harrison	John Wilder		James Kottrell
Benj ^a Hall	W ^m Harbert		Tho: Bowlin
Henry Harde	Rob ^t Yates		W ^m ffrost
W ^m Hawton Sen ^r	John Dent		Abra: Lemastre
C. Lomax Clerk			Rich ^d Edgar
Tho: Smoote			Sam ^l Lockett.

Signed by the Military Officers of Charles County.

John Courts	John Wilder
James Smallwood	John Bayne
W ^m Dent	Thomas Smoote
Henry Hardy	
Philip Hoskins	

Lib. H. D. Signed by the Military Officers of Baltimore County.

John Thomas Coll	John Oldton Cap ^t	Dan ^{ll} Parmer Ensign
Tho: Richardson L ^t Coll	Charles Merriman Cap ^t	Sam ^{ll} Sycklemore L ^t
James Maxwell Maj ^r	W ^m Levyson L ^t	Tho: Roberts Lieuten ^t
Jn ^o fferry Cap ^t	Rich ^d Thompson Ensign	Thomas Hamond Cap ^t
Jn ^o Hall Cap ^t	Roger Mathews Lieuten ^t	W ^m Slade Lieuten ^t
Thomas Preston Cap ^t	Dan ^{ll} Scott Insign	James Jackson Ensign

p. 34 Signed by the Civill Officers and Magistrates of Baltimore County.

John Thomas	Nich ^o Simons	ffran: Whithead
Mark Richardson	Jonas Bowin	Jos: Peake
Thomas Richardson	John Hayes	W ^m Wilkinson
John Hall	Thomas Brocke	Luke Raven
James Philips	Thomas Roberts	W ^m Barker
Richard Adams	Josiah Bridge	James Todd
Thomas Hedge	Seallah Dorman	John Haryman
James Maxwell	Isaac Samson	Thomas Grenfeld
Francis Robertson	ffrancis Smith	Nath ^{ll} Anderson
Iserell Skelton	John Boone	Robuck Lynch

Signed by the Civill Officers & Magistrates &^{ca} of Somerset County.

ffrancis Jenckins	George Layfield	ffra: Jenckins
George Layfield	Thomas Newbold	Math: Scarborough
Thomas Newbold	Thomas Jones	Sam ^{ll} Hopkins
W ^m W. P. Planner	W ^m Whittington	Sherriffe James Round
Thomas Dixon	Tho: Dixon	Edmund Howard
W ^m Coulbourne	J. West, Clk:	Coroner
Vestrymen		Stephen Horsey
		Arnold Elzey
		John Bozman

Signed by the Military Officers of Somerset County.

David Browne Coll	John M ^u Clester
John Winder	Sam ^{ll} Worthington
W ^m Whittington	Joseph Venalles
Thomas Winder	Thomas Dixon
Nich ^o Evans	Arnold Elzey
Benj ^a Lawser	Peter Dent
James Dashiell	Thomas Poynter
	Edward Hamond

Signed by the Civill Officers & Magistrates &c: of Dorchester County.

p. 35 W^m Robinson Sen^r Hugh Eccleston Clk Henry Hooper
W^m Shinton Philip Pitt Thomas Ennalls

James Mandlsly	John Lecompte	Thomas Hicks	Lib. H. D.
Rich ^d Teabe	Obediah King	W ^m Mishen	
W ^m Spencer	Edw ^d Stephens	Rich ^d Atwin	
Arthur Whiteley	John Person	Alex: ffisher	
Thomas Ungers	ffrancis Howard	Rich Tubman	
Jn ^o Button	W ^m Charter	Roger Woolford	
Jn ^o Leharttey	Henry Griffin	Andrew Gray	
Charles Bradley	Thomas Clerke	Walter Cambell	
		Sherriffe	
W ^m Vargent	Edmund Bronnack	John Hassellwood	
		Corp ⁿ	
Nich ^o Philips	Thomas Bronnock	John Rollings	
	W ^m Lower	Corron ^r	

Signed by the Military Officers of Dorchest' County.

Charles Hutchins
Tho Ennalls
Rich^d Attwell
Ben Hunter
Jacob Loakerman
Thomas Deare
Walter Cambell
W^m Mackeell
Edward Taylor
Roger Woolford

Signed by the Civill Officers & Magistrates &^{ca} of Cæcill County.

Casp ^a Aug ^t Herman	John Stoope	Samson George
W ^m Harris	Robert Gibson	John Glosson
W ^m Dare	W ^m Gallaway	W ^m Hubbard
Edw ^d Blay	York Yorkson	W ^m Hill
Jn ^o Thompson	W ^m Pierce jun ^r	John Stanley
Rob ^t Crooke	Edw ^d Lademore	W ^m Bowlin
Abel Blackiston	Thomas Church	
W ^m Peirce	Hugh Douch	
John Carvile Shrffe	Robert Randull	
Charles Bass Clk:		

Signed by the Military Officers of Cæcill County.

Casp: A: Herman	W ^m Harris	Rob ^t Crook
W ^m Pearce	M: V: Hayden	Philip Cheager
John Thompson	Edward Blay	Edw ^d Larmoor
Peter Byard	W ^m Dare	Nath ^l Hilling
W ^m ffreeman	John James	Rob ^t Hues

Govern^r of Virg^a We are

Custom House Lond^o

S^r Yo^r very humble Serv^u

Lib. H. D.

9 July 1696.

Eliz^a of Glasco Rob^t Sinclear Mast^r burth
120^{Ton} Sq: Sterne Barbary of Glasco Hugh
Scott Dutch built burth 120^{Ton} Rob^t
of Iruin burth 140^{Ton} Square Sterne
Gov^r Maryland.

Ben: Overton
Rob^t Clayton
C Godolphin
Walter Younge

Having Received Satisfaction Concerning the Ship or Vessel called the Charles of Topsham Burthen 160 Ton or thereabouts fforreign Built not made free whereof George Bass is Master particularly That She doth belong to Merch^u in Exon, Their Maⁿ English Born Subjects, You are to Suffer the s^d Ship or Vessell (the master and three ffourths of the Marriners at least being also English) to Load Tob^o at Virg^a or Maryland and to proceed therewith to some Port of England Wales or Berwick, The said Ship being to pay noe other or greater Duties for such Tobacco as she shall there load than an English built Ship.

Custom House Lond^o.

31th of July 1692.

Duplicate

To the Comand^r of their Maⁿ Ships
of Warr on the Coasts of Virg^a & Mary-
land & to the Offic^r of their Maⁿ Customs
there or Else where whom this may Concern.

G. Boothe
Rob^t Clayton
Jo: Werden
P. Ward

Richd Bass's
Certificate
for the Ship
Charles

(locus Sigilli)

Richd Score D
Cust. & Coll^r

These are to Certifye all whom it doth Concern; p. 37
That security is given to the Cheif Officers of his
Maⁿ Customs in the Port of Exon concerning the
Ship or Vessell called the Charles of Exon
Burthen one hundred and Sixty Tons or there-
abouts, whereof Richard Bass is master, mounted
with ffour Guns, Navigated with Eighteen men
fforreign built not made free and Bound for
Virg^a an English Plantacōn in America with Severall Goods,
Wares, or Merchandize with Condition that if the s^d Ship or
Vessell shall load any Sugar, Tobacco, Cotton, wool, Indico,
Ginger, ffustick, or other Dying Wood, of the Growth Pro-
duction or manufacture of any English Plantacon in America,
Asia, or Affrica; the same Comodities, shall be by
the s^d Ship or Vessell brought to some Port of
England Wales, or to the Port or Town of Berwick Upon

548 *Proceedings of the Council of Maryland, 1694-97.*

Lib. H. D.

Thomas Pitt
95 p Comp. Tweed, and be there unloaden and put on Shoar,
the danger of the Seas only Excepted; Dated at
the Custom House Exon the Seventh day of
September in the Seventh year of the Reign of our Sovereign
Lord William the Third, King of England &^{ca} Annoq
Domini 1695.

Signed by us the Commission^r of his Ma^{ty} Customs at the
Custom House London 9th Septemb^r 1695.

Walter Younge: Ja: Chadwicke
C Godolphin Sam Clarke.

fform of a Certificate for a Ship th' gives bond in England,
to Return to England, Wales or Berwick only.

On the Back of the aboves^d Certificate was thus written,
Viz^t These are to Certifye That by Affidavit of Danⁿ Ivie and
Henry Arthur of Exon Merch^{ts} remaining with the Com^r of
his Ma^{ty} Customs, It is Affirmed That themselves George
Bass of Exmouth And Mary Franckmore of Topsham all
his Ma^{ty} naturall born Subjects are the full & Sole Own^{rs} of
the Ship Charles within mention'd whereof Rich^d Bass is
master And that noe fforreign^r or Alien directly or Indirectly
hath any part Share or Interest in the s^d Ship.

Custom House, London

Rich. Savage

11th Septemb^r 1695.

Novemb^r the 13th 1696.

Ord^r recd:
by Mr Crau-
ford &^{ca}

Then recd: of Henry Denton an Order of his
Ex^{ncy} Dated the 6th instant Relating to the Entring
up the Prov^l Court Judgm^{ts} I say Recd by me,
J: Crauford

November the 14th 1696.

Ord^r recd by
Mr Meriton
&^{ca}.

Then Recd of M^r Henry Denton an Ord^r of his
Ex^{ncy} dated the 6th instant Relating to the Entering
up the Prov^l Court Judgm^{ts} I say recd by me,
Meriton

November the 21th 1696.

Sheriff of St
Maries rect
for Coll Cood
& bag of
papers &^{ca}

Then recd of Henry Denton Clerk of the Coun-
cill, a L^{re} directed to M^r John Cood and a bagg
of papers sealed up for him, the w^{ch} I do hereby
promise to deliver accordingly as witness my hand
the day and year aboves^d John Shanks

Oath to be taken by the Kings Attorney & Sollicitor Gen: Lib. H. D.
or one of his Ma^{ty} Councillors at Law, Viz^t. p. 26

Oath for his Ma^{ty} Coun-
cillors at Law
&c^a I do Swear that I will well and truly Serve his
Ma^{ty}: in the Office or place of in this
Province and do his Ma^{ty} proffit in all things that
belongeth to me to do by way of my Office as farr forth as
I may or can I will not reveale or disclose his Ma^{ty} Councill
in any matter or cause whereby his Ma^{ty} may suffer detrim^t.
I will prosecute all Offenders ag^t the Publick peace of this
province as they shall Come to my knowledge according to
the Laws of this province in the prov^l or County Court in this
Province I shall not advise or be of Councill with any p^rson or
p^rsons ag^t his Ma^{ty}: Except what I am already concern^d in I
shall Endeavour truly to keep his ma^{ty} Rights & all that be-
long to him I shall not consent to decrease lessen or conceal
any of his Ma^{ty} Rights or ffranchises and whensoever I shall
have knowledge that his Ma^{ty} Rights have been concealed or
withdrawne in Lands Rents ffranchises or Suites or any other
thing I shall doe to my true power to make them to bee
Restored to his Ma^{ty} again and if I may not doe it I shall
Certifye the Same to his Ex^{cy} the Govern^r or Command^r in
Cheif or Some of his Ma^{ty} hon^{ble} Councill thereof and further
I shall Use my Self in the Office of for his Ma^{ty}
According to my best skill and knowledge so long as I shall
Continue in the Same. So help me God.

December the 3^d 1696.

Mr Goldes-
borough
constituted
one of his
Ma^{ty} Coun-
cillors at Law The above Oath was then Administered unto M^r
Robert Goldesborough (Constituted one of his Ma^{ty}
Councillors at Law) before his Ex^{cy} the Gov^r in
presence of the hon^{ble} S^r Thomas Laurence Barron^t
Secretary & M^r Will^m Dent one of his Ma^{ty} Sollicitor^s
at Law at the port of Annapolis in the prov^l Office.

At a Councill met and held at the Port of Annapolis the Whitehall
Eighth day of Decemb^r in the Eighth Year of the Reign of
our Sovereign Lord King William the Third &^{ca} Annoq
Domini 1696.

Present

His Ex^{cy} ffrancis Nicholson Esq Cap^t Gen^l &^{ca}

S^r Thomas Laurence Baron^t Secretary }
The hon^{ble} Coll: John Addison }

Mr Tench
acquaints the
Board abt Came the hon^{ble} Thomas Tench Esq (being a
member lately dismissed from Acting or Assisting

Lib. H. D. his making at this Board as one of his Ma^{ty} hon^{ble} Councill
 an end with the Commis- untill he should have finished all Business concern-
 sary &ca ing his Administracōn on Gov^r Copleys Estate) &
 says that he is now in hopes of making an End of that
 Matter with the Commissary to morrow.

Whitehall He is acquainted that he may then Come and take his
 place in the Councill again.

Produced and Read the following Peticon, Viz^t

To his Ex^{ty} ffrancis Nicholson Esq Cap^t Gen^l & Command:
 in Chief of Maryland & Councill &^{ca}

The humble Peticōn of Thomas Ashwick ffactor of John
 Rodgers of Plimouth merch^t

Mr Ashwicks Humbly Sheweth.

Peticōn abt
 a Spl^l Court That by this last ffeet yo^r Peticōn^r Rec^d from his
 s^d imployer divers Letters & Instructions to load a
 Ship of his that Came in the s^d ffeet & send home with the
 Convoy, And that when the ffeet Came in he had 32 hogg^{ds}
 of Tob^o laid upon Cap^t Gerrard Slyes Plantacōn at Bushwood
 put there by Agrem^t with his Attorney M^r Sam^l Cooksey for
 w^{ch} yo^r Peticōn^r was to pay Twelve pence p hhd & there the
 same lay for ab^t a Month after the s^d Slyes Arriv^l Untill one
 Scurrey sent to him for Tob^o and then the said Slye puts
 yo^r s^d Imployers Tob^o on board the s^d Scurry's Sloop and
 sends on board his Ship giving Ord^r that if yo^r Peticōn^r would
 not pay what he Demanded for Carrying the Same To Cap^t
 Scurry's Ship he should Stow it away as the s^d Slyes Tob^o
 & because yo^r Peticōn^r could not with Safety and hon^r to his
 Imployer doe soe the s^d Slye hath (as yo^r Peticōn^r is Informed)
 broke Open Three of the s^d hhd^s of Tobacco and disposed
 of them and the rest of the Tob^o hath Caused to be stowed
 on Board s^d Scurryes Ship as his own Tob^o Therefore yo^r
 Peticōn^r for Remedye in the P^rmises hath sued Prosses out of
 Prov^l Court as well ag^t the s^d Slye as ag^t the s^d Scurrye for
 his Damages Occasioned his Imployer by the Unjust and
 unwarrantable doings of them in breaking Open part of the
 p. 421 s^d goods and disposing of it And the Remainder at their
 pleasure, Whereby the s^d Rogers Ship is like to goe home so
 much dead ffreighted.

But the s^d Slye and Scurrye Knowing the injustice and
 Damage they have done and th^t yo^r Peticōn^r had sued out
 prosses ag^t them for the same & had sent Declacōns with the
 Writts expecting to Come to Tryall this Court the matter
 depending wholly upon Trade are both of them absented from
 the Places of their abode So th^t the Writts cannot be Executed.

And forasmuch as the fleet are likely to Sail and there- Lib. H. D.
with the s^d Rogers his Ship before the next Court and the
fact by the s^d Slye and Scurrye being a Notorious Interrup-
tion of Trade and of ill Example to Others evilly intended if
Speedy Remedye be not had herein yo^r Peticōn^r humbly prays
yo^r Ex^{ncy} to grant him a Sp^{ll} Commission to any p^sons Jus-
tices either of the Prov^{ll} or County Court of Charles County
to hear & determine the s^d matters in some Short time after
the parties can be arrested & Declaracōns delivered them;
And th^t the Court house of the County may be the place
appointed for the Same And that the Writts Issuing out of
the Prov^{ll} Court may be Return'd to the s^d Sp^{ll} Court with
Such Necessary Clauses as to yo^r wisdom shall seem Expe-
dient therein that so the matters may be heard & determined
before the going out of the fleet and the s^d Rogers Relieved
in the p^mises.

The s^d Petition was by Ord^r } And as in Duty bound yo^r Pe-
indorsed as followes, Viz^t } tition^r shall ever Pray &^{ca}

By his Ex^{ncy} the Govern^r &^{ca} Dec^r the 8th 1696.

Order Re- Ordered th^t the within peticōn be Referred to M^r
ferred for his Attorney Gen^{ll} & M^r Goldesborough one of his Ma^{ty}
Mats Coun- cillors Report on the above
cillors Report Peticōn. Councillo^{rs} at Law for them to make Report whats
most proper & Legall to be done therein.

The Same Came Reported as followes, Viz^t

The Report We are of Opinion that Such a Commission as
of his Mats the Petition^r hath prayed stands very well with the
Councillors at Law abt a Rules of Law, and may be granted if yo^r Ex^{ncy}
Commission for a Sp^{ll} Court approve thereof.

Yo^r Ex^{ncy}^s humble Serv^{ts}
George Plater
R Gouldesborough

Decem. the 8th 1696.

By his Ex^{ncy} the Govern^r &^{ca}

Sherriff of Upon Representacōn & application of M^r Com-
Prince missary Gen^{ll} Ordered th^t M^r Thomas Greenfield
Georges Co: High Sherriff of Prince Georges County be dis-
permitted to come to pensed with & permitted to come to the port of
Town Annapolis in Ord^r to make up his Acco^{ts} with the
Commissary in relacōn to Charlets Estate.

Lib. H. D.

By his Ex^{cy} the Gov^r Octob^r the 13th 1696.

Ord^r abt
Birds &c^a

Ordered that the s^{ffes} of the Severall Counties make Return in Decemb^r next of what Birds, Wild Turkeys, Deere &c^a they have procured for his Ex^{cy} & th^t they give an Acco^t where they are and what they must have for them, & care will be taken that they be Rec^d & paid for.
Signed p Ord^r Hen: Denton C. of Concil.

Decemb^r the 9th 1696.

The Councill again Sate & were p^rsent as yesterday.

p. 422 Benjamin Ricaud & Richard Lowder of Kent County their Peticōn & ffrancis Twiford of Dorchester County his Petition, were both (being Read) Referred to the Justices of the s^d Respective County Courts.

The Report upon M^r W^m Hemsleys paper in the Case of the hon^{ble} S^r Thomas Laurence Baron^t Secretary was Read and ordered to be given to M^r Robert Gouldesborough his Ma^{ty} Councillor at Law for his Opinion and Report thereon to be made, and is as followes Viz^t

To his Ex^{cy} the Govern^r &c^a

Lawyers
Opinion
touching
Hemsleys
Answer
&c^a vide
Ord^r folio
410

I humbly Offer to yo^r Ex^{cy} my Opinion of this Answer that it is not direct to the Question for,

1: The Question was whether he had not made publick vse of them by Runing the Lines of other mens Land and taking pay of p^rsons for Coppyes and this he might doe and yet say he intend them for his private vse though he vses them in publick vses.

2: He says they are not now in nature that is noe Answer, for the Question went further (viz) if they were not in being what became of them whether burnt or how Else destroyed and that is not Answer'd and my Opinion is that he ought to make a plaine answer and such as he can give his Oath to, if by yo^r Ex^{cy}s Reguard otherwise its plane he intends to Trifle & Evade, which is humbly Submitted to your Ex^{cy} by

Yo^r obedient Servants

George Plater
Will^m Dent

I am of the Same Opinion R. Gouldesborough

December the 9th 1696.

Whitehall

The Councill again Sate and were p^rsent as Yesterday.

Coll: Addi-
son appoint-
ed to Act in
Coll: Jowles
stead

The hon^{ble} Coll: Henry Jowles Chancelor having Signified by Letter to his Ex^{cy} w^{ch} was here produced and Read, that he is so very lame that he Cannot attend the business of this Court according

to his Duty therein; and considering that none of the Gentlemen of his Ma^{ty} hon^{ble} Council are as yet Come to Town except Coll: John Addison it is therefore Ordered that the s^d Coll: Addison be Appointed to Act h^{ic} vice in the s^d Coll: Jowles stead: and that a Commission be prepared accordingly.

Lib. H. D.
Whitehall

December the 10th 1696.

The Council again Sate and were p^{re}sented

His Ex^{cy} Francis Nicholson Esq Cap^t Gen^l &^{ca}
S^r Thomas Laurence Barron^t Secretary

Whitehall

The hon^{ble} { Thomas Tench Esq
 { Coll: John Addison

Order abt the two Men and Officer to Continue at the Garrison till furth^r Order Ordered that the two Men and Officer aded to the Party of Rangers in Potomock last July be Continued at the Garrison untill further Ord^r it being Deemed for his Ma^{ty} & Countreys Service, and that they Remain there together all Winter—p^{re}suant to former Command, his Ex^{cy} being pleased to p^{re}sent them with Ten dollars to drink the Kings Health, by the hands of the hon^{ble} Coll: John Addison.

December the 11th 1696.

The Council again Sate & were present as before.

Whitehall
p. 427

Gov^r New Yorks L^{re} to be Entred in the Council Bo: Produced & Read a Letter from his Ex^{cy} the Govern^r of New York giving an Acco^t of the News in those parts in relac^on to the ffrench and Canida Indians.

Ordered that the same be Entered in the Council Book; But as to any Answer thereto it is imagin'd there is none Required.

Whitehall

Gov^r of Virga L^{re} produced by M^r Plater &^{ca} Produced by George Plater Esq (his Ma^{ty} Receiver Gen^l) unto the Board, a Letter by him Rec^d from his Ex^{cy} S^r Edmund Andros Gov^r of Virga Dated the 8th of October past in relac^on to some Money Ordered to him the s^d M^r Plater Signifying that he had Rec^d Bills to the Value of 300^l Ster. being part of the 500^l taken by the s^d S^r Edmund from this Governm^t in the absence of his Ex^{cy}.

Order abt Bills remitted for England &^{ca} Ordered that the s^d Bills be by him Remitted for England to be lodged in the hands of M^r Micajah Perry Merch^t in London to be Appropriated to the Vses as the Assembly have desired & humbly Supplicated his Ma^{ty} for.

Whitehall

Lib. H. D. His Ex^{cy} demands to Mr Plater whether he has not duly transmitted for England from time to time the Acco^t of the Revenue pursuant to Severall former Ord^s and whether he has not those Instructions by him sent by the R^t hon^{ble} W^m Blathwayt Esq Audit^r Gen^l in rela^{on} to that Affair; who says he has and that he never omitted sending the s^d Acco^s. Ordered that he carefully pursue those instructions and transmitt a full Acco^t this ffilet.

Whitehall Ordr to be Consulted by his Ma^{ty} Council at Law abt the 150^l paid to Coll: Greenberry Ordered that it be Consulted by Mr Attorney & Sollicito^r Gen^l and Mr Rob^t Gouldesborough one of his Ma^{ty} Counsell at Law, whether the 150^l paid to the hon^{ble} Coll: Nicholas Greenberry as President of the Council was done by a Legall Power & Authority and whether the late Act of Assembly for confirming the Proceedings of that time does any ways allow that paym^t or his detaining the same whereby it ought not to be Refunded as well as the Money taken by his Ex^{cy} S^r Edmund Andros.

At a Councill held &^{ca} Decemb^r the 12th 1696.

Present

His Ex^{cy} ffrancis Nicholson Esq^r Cap^t Gen^l &^{ca}

S^r Thomas Laurence Baron^t Secretary }
Coll: John Addison }
Coll: John Courts }
Thomas Brook Esq^r }

Severall p^{rs}ons Sumond to Appear at the Board The Justices of the prov^l Court and Lawyers and what Burgesses were in Town, together with the Carpinter and Bricklayers were Summomed to Appear at this Board who accordingly Came Viz^t.

Robt Smith } Thomas Tasker } Richard Hill } Philip Hoskins } Thomas Staley }	Justices {	George Plater Esq ^r } Mr William Dent } Mr R. Gouldesborough } Mr Sam ^l Watkins }	Lawys {	Tho: ffelder Carpinter } Hen: Crofts } W ^m ffreeman } Bricklayrs }
--	------------	--	---------	--

Maj^r Edward Dorsey } Burgesses.
Mr William Hemsley }

Read the report of the Persons appointed to Veiw the State House as follows Viz^t.

Port of Annapolis, Decemb^r the 12th 1696. Lib. H. D.

The Report of the State house. The Report of Severall Persons appointed by his Ex^{ty} the Govern^r and the prov^{ll} Court to View the New Court House and Consider what Methods must be taken for securing the same against the Weather. p. 432

The Persons appointed Viz^t.

The hon^{ble} Thomas Brooke Esq^r and Coll John Courts of his Ma^{ty} hon^{ble} Councill.

Cap ^t Richard Hill	}	Justices of the Prov ^{ll}
Cap ^t Philip Hoskins		
Maj ^r Edward Dorsey	}	Burgesses of Assembly
M ^r Will ^m Hemsley		
M ^r W ^m ffreeman	}	Bricklayers.
M ^r Henry Crofts		
M ^r Alexand ^r Graves		

William Bladen appointed Clerk to draw up this Report, In Consideracōn the Weightiest part of the Work is done. We find that the House is two Thirds done not only as to the Work but alsoe the Charge thereof.

That in Case Colonel Herman do not forthwith Send the laths Shingles and other Materialls for Covering the House and immediately proceed to doe the same Care must be taken and persons agreed with and imployed to cover it with planck at his Charge. That it is absolutely necessary that the Door Cases Cornish and Window fframes be immediately secur'd by priming them and clapboarding up the Windowes and Door Cases to keep the Weather off.

That in Case Coll: Herman does not vigorously proceed to goe on and ffinish the Work that some other Methods be taken and persons Agreed with to doe the same at his Charge.

Lastly that Colonell Herman have immediate Notice thereof:

Signed p Ord^r

W Bladen Clk.

His Ex^{ty}s
Comunicacōn
abt the State
House

The s^d matter being maturely debated upon and the Workmen asked what Sum^e of money they thought would be Required to ffinish the House according to the Contract which was Read unto them, who do say that they believe ab^t 400^{ll} will perfectly finish it, they are asked if in Case Coll: Herman had minded his business and lost no time, but had alway's kept hands tendance and provided materialls Sufficient whether the House might not have

Lib. H. D. been finished, or at least closed in long ere this; who doe say it might; the Bricklayer affirming that if he had due tendance and materialls ready, should have done the Brick work in 3 months time they are asked whether the work that is still to doe may be done this Winter, who make Answer that it may in every respect, as well as in Summer except the plastering Worke. They are Ordered to withdraw.

The Lawyrs
are asked
their
Opinion

p. 433 The Lawyers are asked their Opinion (considering how Circumstances are) whether or no the money allotted to the s^d Coll: Herman in the hands of Maj^r Thomas Smithson Treasurer for the Eastern Shore may not be legally stopt together with part of his publick Tobacco, answerable to what may finish the s^d House who give their Opinion that the same is Justifyable Enough in such a Cas: as this, where the Publick Intrest is concern'd in respect he has taken upon him to do a thing that he has not perform'd, w^{ch} is likewise agreed to, and is the sense of this Board and of the Justices and Burgesses prsent, and therefore Resolved and Ordered that the s^d money allotted him in Maj^r Smithsons hands and the Tob^o allowed him in the hands of the Sheriff of Talbot County this year be stopped and not paid him untill the s^d House be fully Compleated and finished and that Coll: Herman be immediately sent to and have Notice thereof accordingly and further that if upon such Notice given the s^d Coll: Herman do not immediately send down Workmen and materialls in Ord^r to the Speedy Carrying on the s^d Work (it being adjudged that what Remains to be done may be well Enough effected this Winter, unless the plastering Work), That Workmen be forthwith imprest and imployed and materialls necessary found for carrying on the s^d Worke remaining still to be done to be paid out of the s^d money and Tob^o stopt hereby appointing that Maj^r John Hammond Cap^t Richard Hill and Maj^r Edward Dorsey to take Care to provide all Workmen and materialls Necessary in Ord^r to the Speedy Carrying on the s^d Work and that they duly oversee the same.

Ord^r for a
Ditch to be
made abt
the Town in
the place of
the ffence

It being Represented by his Ex^{ncy} that he has had generall and frequent Complaints from Severall persons about their losing their Horses out of the pasture, and some quite lost and other some shott, therefore proposed that for the future Security of the Horses coming here there be a ditch made in the place where the ffence Runs, ffour ffoot deep and Eight ffoot broad with a draw bridge over it and a little House to be built on Each Side thereof, the which is Unanimously Agreed to, that

the same will be of very Great Vse and Service to the Coun- Lib. II. D.
trety and therefore Resolved and Ordered that the same be
done accordingly and that Maj^r Hamond Cap^t Hill and Maj^r
Dorsey Agree with Carpinters and Labourers (as Cheap as
they Can) for the Speedy Effecting thereof and see to the
Speedy Carrying on of the s^d Worke.

M^r Thomas ffilder being desirous to goe on in the State
House Worke is therefore Recommended to Coll: Herman
that he be Continued therein.

Produced and Read the following Peticōn being an Authen-
tick Copy taken from the Originall, Viz^t

To the hon^{ble} Cap^t Charles Wager Comodore and Com-
mand^r in Cheife of the Virg^a and Maryland ffleet.

Peticōn of We the Masters and Command^{rs} of Severall
Severall Merch^t Ships of Considerable Countenance and
Masters of Burthen, belonging to and part of the s^d ffleet Do Whitehall
Ships abt
Sayling &c
humbly propose and Request the ffavour of Longer
time than is now assigned Us to Load and get ready our
respective Ships to sail with and und^r yo^r Conduct & Convoy,
it being morally impossible for us so to doe, and to Compleat
our Lading by the time afores^d and that for these Reasons Viz^t
1: The Unseasonable Arrivall of the ffleet here in this Pro-
vince when soe many Runing Ships had been here Loaden
and Carryed Away the Maj^r part of the last years Crop not
having left Enough behind to Load one ffourth part of the p. 434
ffleet.

2: The great disappointm^{ts} that most of us have met with
Since our Arrivall by Sickness, Mortality and the Runing
away of our men through the Great Encouragem^t that is given
in Pensilvania.

3: The Backwardness of the New Crop and Consequently
the bad Curing of Tob^o besides the generall want of Seasons
for Shipping and defect of the Coopers in setting up the Cask
so that very little new Tob^o is yet Ready.

4: The season of the year approaching wherein ffrequently Whitehall
the Weather hath proved such as to ffrieze and stop up our
Sloopes and Boates &^{ca} in Creeks and Coves where they
have been sent for Tob^o many times for a month, Six Weeks
or long^r and thereby prevented from putting the Same on
board the s^d Ships.

5: That our Sailing in March will be altogether as Advan-
tagious as if we Sayled now by reason our men will be then at
Home time Enough to serve his Ma^{ty} in the summer ffleet and
the Customs soon Enough paid into the Kings Treasury.

Lib. H. D. 6: If we Sayle this Winter, considering the Season of the year and our being weekly mann'd, its morally impossible that ever We should keep Company together home, besides the Great Damages that will inevitably Ensue upon our Loading.

7: It will be more Advantagious to our Merchants by Reason our florreign Trade will be Open and our Ships not likely to Return before the ffall.

All which and many more Urgent and Weighty Reasons that might be Offered together with the great and apparant loss that would Redound to the Crown by the miscarriage of the ffleet or their Returning home without their Loading, besides the unspeakable detriment of the merchants and Owners of the s^d Ships being Recommended to yo^r most serious and prudent consideracōn, will we hope prevaile with you to Consent to the Allowance of further reasonable time to Compleat our Loadings, especially since We p^rsume & humbly Conceive it may be Granted Us without the least prejudice to yo^r hon^{rs} in the Post and Station you are placed and the great Trust and Confidence Reposed in you.

	Daniel Bradley	Peter Olson	Henry Suttē
Whitehall	James Brain	Splaudin Rand	George Keeble
	Samuell Philips Jun ^r	Thomas Salmon	Recompence Stanborough
	Jeremiah Deeble	James Thomas	Benjam ^a Haddock
	Richard Bass	Jon ^a Scarth	Thomas Lurting
	Isaac Wilde	Daniell Watts	John Tanner
	Barth ^o Whithorne	John Nall	Joseph Scotting
	Thomas Wilde	Thomas Emmes	George Plater for & by
	Thomas Marshall	John Ganby	Ord ^r of Andrew Sen House
	Thomas Hastwell for }	francis Harbin	George Plater for & by
	Cap ^t John Gallon }	Henry Mundy	Ord ^r of Robert Lurting
	Jo: Scotten	Edward Barcock	
	Deane Cock		

On the Back of the s^d Peticōn was thus written Viz^t

Whitehall This Peticōn and the Reasons have been Read in the Prov^l Court, and so farr as the same Relates to this Province We doe Certifye that the Reasons given are generally True as
 P. 435 they are within laid Down, and thereto We the Justices of this Court and Grand Jurors for the Body of this Province have set our hands this 4th day of Decembe^r 1696.

Hen: Smith	Hen: Norris	} Grand Jurors }	Robert Smith	} Justices
Elias King	John Barrot		John Hamond	
Charles Hemsley	Tho: Sprigg		Richard Hill	
Rich: Chambers	Tho: Scket		Thomas Tasker	
Gilbert Parteson	John Marriott		Philip Hoskins	
Edward Swann	Henry Cox		Thomas Staley	
Charles Stephens	John Bowles		Philip Clarke	
Peter Jarboa	Henry Green			
Sam ^l Luckett	W ^m Wilkison			
	Thomas Preston			

Ord^r for His Ex^{cy} the Govern^r and Councill do Agree Lib. H. D.
 Copy of the with the Sense and Opinion of the Justices of the
 ad Peticōn be Provinciall Court and Grand Jury as to the within
 sent to Each mention'd premises, and do Ord^r thereon as it is
 respective County hereby Ordered that Copy of the same be sent to Whitehall
 the Sheriff of Each respective County and p^rsented to the
 Justices and Grand Jury of the severall County Courts to be
 held in Jan^y next for their Opinions thereon to be given,
 which afterwards they are to Return unto his Ex^{cy} at the Port
 of Annapolis with all possible Speed.

Decembe^r the 12th 1696.

The Councill again Sate and were p^rsent,
 His Ex^{cy} Francis Nicholson Esq Cap^t Gen^l &^{ca}
 S^r Thomas Laurence Baron^t Secretary,
 Coll: John Addison
 The hon^{ble} Coll: John Courts
 Thomas Brooke Esq Whitehall

Ord^r abt 20 Ordered that George Plater Esq (his Ma^s Re-
 peices of ceiver) pay unto the Man of Warrs Gunner, Twenty
 Eight to be pieces of Eight out of the Quarter part of the 1st p
 paid to the Man of Warrs Gunner hhd. in Satisfaction of fitting the six hundred fuseses.
 Came M^r Will^m Dent and made Oath to his Nav^l Whitehall
 Officers Acco^t commencing february Anno 1695, until this
 day made up.

Produced and Read the following Peticōn, Viz'

To his Ex^{cy} Francis Nicholson Esq Cap^t Gen^l and Com-
 mander in Chief in and Over this his Ma^s Province of Mary-
 land &^{ca}

The humble Peticōn of William Dent one of the Attorneys
 of the Prov^l Court.

Mr Dents Humbly Sheweth.
 Peticōn abt That in Obedience to yo^r Ex^{cy}s Commands I have
 his Assist- from the 13th day of Nov^r 1694, Assisted M^r George
 ance in the Plater his M^r Attorney Gen^l of this Province as Whitehall
 Solicitors Plater his M^r Attorney Gen^l in all his Ma^s Pleas of the Crown
 place &^{ca} Sollicitor Gen^l in all his Ma^s Pleas of the Crown
 both Criminall and Civill and have Refused to take any ffees
 of any p^rson where his Ma^s intrest has been Concern'd save
 only what I was Engaged in when yo^r Ex^{cy} laid yo^r Commands p. 436
 on me.

That I have not as yet Rec^d anything of Salary for such my

Lib. H. D. Service although I can demonstrate to yo^r Ex^{ncy} that the same has been out of my Pocket above Ten Thousand pounds of Tob^o a year in my private practice by severall Persons that have been Sued and prosecuted in his Ma^{ty} name whose Attorney I should have been had I not been Sworne in his Ma^{ty} Service &^{ca}

That the fees arising out of those Pleas Criminalls (besides that they are very Small) are due to the Attorney Gen^l from whom I have not Rec^d any.

Whitehall Therefore in Reguard the Attorney may Receive the fees, and besides that, holds two other good places of proffit under his Ma^{ty} such as Receiver Gen^l and Collecto^r yo^r Peticōn^r humbly Prays your Ex^{ncy}'s Consideration of him and that you will be ffavourably pleased to settle something of Salary on him for the time past and to Come that he may thereby be Enabled chearfully and diligently to Continue his Service to his Ma^{ty} in the s^d Office during his Ma^{ty} pleasure.

And as in Duty bound shall Ever Pray &^{ca}

The s^d Peticōn was by Ord^r indorsed as follows, Viz^r

By the Hon^{ble} his Ma^{ty} Councill &^{ca}

Decemb^r the 12th 1696.

Mr Dents
Case to be
laid before
his Ma^{ty}
& Councill

The hon^{ble} his Ma^{ty} Councill being Sensible that what is within alleged is truth, have therefore Requested his Ex^{ncy} to lay his Case before his Ma^{ty} and the R^e hon^{ble} his Councill in England.

Signed p Ord^r

Hen: Denton Cl. Concl.

Decemb^r the 12th 1696.

Whitehall The Oaths
admr^d unto
Coll: Addison & the
broad seal
dd to him

A Commission being prepared as above was Signed by his Ex^{ncy} & passed the Broad Seal of the Province, the s^d Coll: Addison having Administred unto him the Oaths appointed by Act of Parliam^t to be taken instead of the Oaths of Allegiance and Supremacy as also the Oath of a Commission^r in Chancery The Broad Seal of the Province is Ordered to be delivered unto him.

Whitehall Ord^r is referred to the
Justices of
the prov^l
Co: for their
Opinion abt
the Court of
Chancery &
Gov^r & Counc^l
sitting

Ordered that it be Referred to the hon^{ble} the Justices of the Prov^l Court and Lawyers whether it may not be more for his Ma^{ty} Service & good of the Countrey that the Court of Chancery and the Govern^r & Councill for hearing Appeals and Writts of Error, do sit at the End of every prov^l Court, and that they make Report thereof to this Board accordingly with all Convenient Speed.

The Same Came Reported as followes Viz'

Lib. H. D.

To his Ex^{ncy} the Govern' & Councill &^{ca}

The Report
of the Jus-
tices of the
Prov^l Court
on the Ord^r
of Reference

It is the Unanimous Opinion of the Judges & Practition^{rs} of this Court that it will be much more convenient that the Court of Gov' and Councill and Chancery should not sit till the End of the Prov^l Court, and not during the Court; for the Lawyers cannot Easily attend both; one Court being Enough for the Lawyers to attend at one time. p. 423

Signed by Ord^r of the Court

H: Wriothsley Clk.

Ord^r abt the
Court of
Chancery &
Gov^r & Coun-
cills Sitting.

Ordered thereupon as it is hereby Ordered that for the future the Court of Chancery Sit the next day after the prov^l Court makes an End of Sitting the Severall days appointed by Law for hearing and determining all Causes for the Severall Counties of the Province & the Govern' & Councill for hearing Appeals & Writts of Error on the Same night the w^{ch} the Severall Sheriffs are hereby directed to make publick.

Ord^r to be
Consulted by
the Kings
Lawyers abt
Coll Cood
&^{ca}

Ordered that the Kings Lawyers be consulted what process & proceedings have been issued ag^t Mr Cood both as to Criminall & Civill Actions at the Suit of his Ma^{ty} and whether it may not be proper (understanding he is Removed to Virg^a) for to send a Copy of all the s^d proceedings together with an Acco^t of the nature of his Crime, and of what is Claim'd from him as due to his Ma^{ty} unto his Ex^{ncy} S^r Edmund Andros to know why he should not be Surrendered up &^{ca} Whitehall

The Same Came Reported as followes, Viz'

A State of the Case of his Ma^{ty} ag^t Coll: John Cood late of S^t Maries County.

The Kings
Lawyers con-
sultacōn abt
Coll: Cood.

The s^d Coll: John Cood (having been his Ma^{ty} Receiver of his Duties and Revenues arising by the one shilling p^h in Potomock River) being upon the same in Arrears to his Ma^{ty} in the sume of 439^{lb}: 10^s: 11^d Ster. as appears by an Acco^t made up by the Committee of acco^{ts} appointed for stating the Publick Revenue is impleaded by his Ma^{ty} Attorney Gen^l of this Province for the same & process awarded ag^t the s^d Cood at Suit of the s^d Attorney Gen^l who for his Ma^{ty} in th^t behalfe prosecuted which is sent into S^t Maries County. And the s^d John Cood having spoken, published and Uttered diverse blasphemous & Atheisticall Whitehall

Lib. H. D. words & Speeches ag^t his Ma^{ty} Peace and the Act of Assembly of this Province is likewise prosecuted for the same in his Ma^{ty} name by his Attorney Gen^l by way of p^rsentm^t & process Sent into the County of S^t Maries, and the s^d Bill is found & Return'd Billa vera by the Grand Jury of this Province, as by a Transcript of the Deposicōns, Records and proceedings of the s^d Action, and p^rsentm^t hereunto Annex'd more at large may appear. In both these Actions the Sheriff Returns that the s^d John Cood was not found within his Bayliwick but did abscond himself so that he Could not take him the s^d process, as by the Writts & Returns thereof hereunto Annex'd may appear.

Whitehall And now the s^d John Cood hath privately Removed all or most part of his Goods and Chattells & himself into the Colony of Virg^a & as it is said is there Seated. Quære what is further to be done by this Govern^t for his Ma^{ty} Service to bring the s^d Coll: John Cood to Answer his Ma^{ty} Debt afs^d & the Offence against his peace and Laws.

p. 424 We humbly Advise that the State of the Case be laid before his Ex^{ty} the Gov^r of Virg^a and th^t yo^r Ex^{ty} & Council for his Ma^{ty} Service desire the Gov^r of Virg^a to cause the s^d Coll: Cood to be taken hold off in that Governm^t & delivered up to this governm^t in Ord^r to Answer unto his Ma^{ty} his Just Debt and for the violation of his Laws upon the Pleas afores^d in this Province where the Debt was Created and the breach of the s^d Peace & Laws perpetrated which place and no other We conceive to be the proper place for Tryall of the Same.

George Plater.
Will^m Dent
Sam^l Watkins
R. Gouldesborough

Whitehall Ordered that the Same be laid before the Justices of the Provinciaall Court for their Opinion to be likewise given in the Case, which was accordingly done & Came Reported as followes, Viz^t.

By the Provinciaall Court.

Whitehall **The Justices of the provl Corts Opinion** The Report of his Ma^{ty} Councill at Law so farr as appears to this Court the same is very proper and requisite to be done as before proposed, and this Court approves thereof.

Signed p Ord^r

Decemb^r 14th 1696.

Hen: Wriothesley Clk:

By his Ex^{ncy} the Govern^r & Councill &^{ca}

Lib. H. D.

Decemb^r the 14th 1696.

Ord^r for
Copy of the
proceedings
abt Coll:
Cood be sent
to Sr Ed-
mund
Andros.

The State of the within Case & Report thereon made being here Read was approved off & Ordered that Copy of the Proceedings, Deposicōns & other papers, relating thereto be got ready forthwith in Ord^r to be dispatcht away to his Ex^{ncy} S^r Edmund Andros by the Man of Warrs Lieuten^t for his Answer thereon. Whitehall

Signed p Ord^r

Hen: Denton Cl Councill.

The aforementioned Copyes being accordingly prepared were inclosed sent in a Letter to his Ex^{ncy} S^r Edmund Andros as follow's Viz^t

Port of Annapolis Decemb^r 15th 1696.

His Ex^{ncys}
Lre to Sr
Edmd And-
ross with
Coppys of the
proceedings
abt Coll:
Cood

S^r

The inclosed are Copyes of Severall papers; Viz^t
N^o 1: containing the Deposicōns of Henry Wriothes-
ley, John freeman, Alexand^r Lumley, Richard Beard,
Richard Kilbourn, & John Stanly, concerning one
M^r John Cood N^o 2: containing the process issued
ag^t him upon the same and a presentm^t found by the Grand
Jury for Blasphemy, N^o 3: containing certain proceedings ag^t
the s^d M^r Cood for a debt due to his Ma^{ty} with an Award of
an Attachm^t thereon N^o 4: containing a State of the Case of
his Ma^{ty} ag^t the s^d M^r Cood Reported by his Ma^{ty} Counsell at
Law & Approved off by his Ma^{ty} hon^{ble} Councill & Justices of
the Prov^l Court together with a Clause of a certain Act of
Assembly in force in this Province against Blasphemy which
by Advice of his Ma^{ty} hon^{ble} Councill of this Province are here-
with transmitted to yo^r Ex^{ncy} by M^r W^m Ockman Lieuten^t of
his ma^{ty} hired Ship the Prince of Orange desiring you will
please to send an Answer thereto at his Return, to p. 425

Yo^r humble Serv^t

ffr: Nicholson

Ord^r for a
Proclamacōn
to issue abt
Coll: Cood
&^{ca}

Drawn up by Ord^r & advice of his Ma^{ty} hon^{ble}
Councill (the Opinion of the Justices of the Prov^l
Court & Lawyers therein likewise being had) the
following Proclamation, in relacōn to the aforementioned
M^r Cood, the which was Signed by his Ex^{ncy} & passed the
broad Seal of the Province, Viz^t.

Lib. H. D.

By his Ex^{ncy} the Cap^t Gen^l a Proclamacōn.

A Proclamation Whereas his Ma^{ty} Writ of Venire has issued to
 issued abt Coll: Cood &c^a Sundry Counties of the Province ag^t M^r John Cood,
 commonly called Coll: John Cood for the causing
 him to be and appear before his Ma^{ty} Justices of the prov^l
 Court to Answer to a certain p^rsentm^t by his Ma^{ty} Attorney
 Gen^l preferred ag^t the s^d Cood for Blasphemy & found by
 the Grand Jury of this Province, but forasmuch as all
 Measures hitherto taken for the bringing him to condign
 punishm^t have proved ineffectuall being harbour'd (as is sup-
 posed) by some Evill minded persons Enemies to this his
 Ma^{ty} Governm^t; I have therefore (by & with the Advice of his
 Ma^{ty} hon^{ble} Councill and of the Justices & Kings Lawyers
 therein had) thought fit to publish and declare, and I do
 hereby accordingly strictly Charge and forwarn all persons
 whatsoever, inhabiting or otherwise residing within the Same
 from Entertaining, Aiding harbouring or assisting him the s^d
 Cood in any respect whatsoever, und^r pain of being prose-
 cuted according to the Utmost Severity of the Law but on the
 Contrary that they Vse their Utmost Endeavour to take him
 in Ord^r that he may be brought to Speedy Justice in answer-
 ing such his Notorious Crime, hereby ascertaining a Reward
 of Twenty pounds Sterling to that p^rson which shall so ap-
 prehend & Cause him to be brought in; And to the End due
 notice hereof may be given I doe hereby Command the
 Severall Sheriffs of this Province to make proclamacōn
 hereof in all Churches Chappells & other publick places of
 Meeting within their respective Counties, as they will answer
 the Contrary at their perill; Given under the broad Seal of the
 Province this 17th day of December in the Eighth year of his
 Ma^{ty} Reign &c^a Annoq Domini 1696.

God Save the King. ffr: Nicholson.

Ord^r for all
 p^rsons abt
 Town to
 appear at the
 Cort House
 &c^a

His Ex^{ncy} was pleased to Command that the Jus-
 tices of the prov^l Court should have notice to be all
 p^rsent upon the Bench & for to Ord^r the Sherrieff to
 summons all p^rsons about Town that they be forth
 with and Appear at the Court house he being de-
 signed to Come down thither having something to declare
 in the face of the Countrey.

Whitehall

His Ex^{ncy} accordingly goes down attended with his Ma^{ty}
 hon^{ble} Councill and is pleased to declare in open Court (the
 Court House being full of people) how that he understood
 M^r Cood and M^r Clarke were infusing strange notions into
 the peoples heads how that this Countrey is Govern'd by an
 Arbitrary Sort of Power and that Justice is not Equally &
 impartially administred and such like; therefore was pleased

to Offer that if Either the s^d Cood or Clarke, or as many per- Lib. H. D.
sons as they Could Procure for to goe to England to make
their Grievances known and Manage what Complaint they
thought fitt against him, he would freely give them his Passe p. 426
to goe (if the Laws of the Countrey would permitt them) and
ffifty pounds Sterl. out of his own pocket to help to bear their
charges, as also give them such Letters of Recommendacōns,
whereby they might not be obstructed but forwarded to Come to
the p^sence of his Ma^{ty} to p^sent what Complaints or Grievances Whitehall
they had to Offer in behalfe of themselves or the Countrey;
and his Ex^{ncy} is pleased further to Say & Assure them that
his Ma^{ty} will As soon hear a Complaint from a beggar as a
Rich Man against him or any person without any distinction.

Ord^r abt Ordered that Copies of the s^d Declaracōn be
Copies to be writ forth and sent to the Severall Counties of the
issued and Province & Published that publick notice be alsoe
Sent to the Province & Published that publick notice be alsoe
Severall given by the Sherriffs to all the inhabitants of this
Counties abt Province in generall for to send to his Ex^{ncy} by the
the Declara- cōn ffirst opportunity what Grievances they have to Offer
from their Severall Counties in Ord^r to be p^sented to the
Next Assembly (w^{ch} its hoped will not be this Twelmonth or
more, unless the Grievance of the Countrey require it) which
shall be taken Care off (where proper) to be remedied.

Capt Oldtons Vpon the Complaint of Cap^t John Oldton Com-
Complaint mand^r of the party of Rangers in Baltemore County
abt three of his men how that three of his men have deserted the Garri-
son & obstinately refuse to remain there all winter, notwith- Whitehall
standing a former Ord^r thereabout, who being sent for to give
the Reason for their not Staying there; and the s^d Cap^t Oldton
and two of his men appearing (the other being gon into Virg^a)
were asked why they Obeyed not that Ord^r of Councill, to w^{ch}
they Answer that their pay had been Ordered them incon-
venient & out of their County so that they Could not Comply
with their Creditoⁿ according to their Expectacōn; Whereupon
the s^d matter was inquired into & found that the Committee had
by a Mistake Ordered a great part of their Tobacco in Counties
remote and inconvenient for Supply of the necessity of the s^d
Rangers, which thing is not possible now to be Remedied.

Ord^r abt Ordered that the s^d Cap^t Oldton & his Men do
Cap^t Oldton not withstanding Repair to the Garrison and there
& his men to Remain all winter, pursuant to former Ord^r his
continue at the Garrison Ex^{ncy} being pleased to say that he will Speak to the
all winter Assembly next Sessions in their behalfe and that for
the future they shall not be Served so, but have their pay

Lib. H. D. convenient, and bestow'd upon them Ten dollars to drink the
Whitehall Kings Health with at Christmas and does think it for his
Ma^{ty} and the Countreys Service that the two men and officer
aded in July last be Continued at the Garrison untill further
Ord^r and it is hereby Ordered accordingly.

December the 14th 1696.

The Councill again Sate and were prsent.

His Ex^{ncy} ffancis Nicholson Esq^r Cap^t Gen^l &^{ca}

	S ^r Thomas Laurence Baron ^t Secretary	}
	Thomas Tench Esq ^r	
The hon ^{ble}	Coll: John Addison	
	Coll: John Courts	
	Thomas Brooke Esq ^r	}

His Ex^{ncys} Representa-
tion abt the
Province of
Pensilvania
&^{ca}
Whitehall

His Ex^{ncy} is pleased to Represent to the Board
that his Ma^{ty} Province of Pensilvania adjoyning to
this his Ma^{ty} Province of Maryland does generally
harbour and Entertain Privateers and Receive and
Encourage all manner of Runaway Seamen, Serv-
ants and negroes, to the very great Grievance of the Province
and the Merchants and others Trading here, therefore is
pleased to propose whether it may not be for his ma^{ty} Service
to Represent the whole State of the matter to his Ma^{ty}. for
Redress producing Severall Deposicōns taken in Relacōn
thereto for prooffe thereof, to w^{ch} his Ma^{ty} hon^{ble} Councill do
Assent and Agree and Ordered thereon that the Jus-
tices of the prov^l Court be likewise Consulted therein;
as likewise that Coppyes of the s^d Opinion and Report
p. 437 be sent to the Severall County Courts to be Read
in Jan^{ry} Court next for the Justices and Grand Juries to Give
their Opinion thereon likewise the which are afterwards to be
Return'd unto his Ex^{ncy} at the Port of Annapolis with all
Convenient Speed.

The Same Came Reported as followes, Viz^t.

Whitehall The Justices of the Prov^l Court doe Approve hereof.
Signed p Ord^r.

Hen: Wriothsesley Clk.

Produced and Read a Report made by M^r Attorney &
Sollicitor Gen^l in relation to the late Act of Parliam^t about
Trade &^{ca} as followes, Viz^t.

To his Ex^{ncy} the Govern^r and Councill &^{ca}

Lib. H. D.

Report upon
the late Act
of Parliamt
abt Trade
&^{ca}

In Obedience to your Ex^{ncys} Commands unto Us given Verbally We have Considered the late Act of Parliamt^t Entituled an Act for preventing ffrauds and Regulating Abuses in the plantation Trade, and so ffar forth as the same relates to the plantation Trade, which is all We conceive yo^r Ex^{ncy} required of Us, We humbly Offer &^{ca} That by the s^d Act, all Govern^{rs} of his Ma^{ty} plantacōns are Obliged before the 25th day of March 1697, to take a Solemn Oath to doe their Utmost that all the Clauses, matters and things Contained in the fformer Acts of Trade relating to the s^d Colonies and Plantations, and that all and Every the Clauses contained in this p^sent Act be punctually and bona fide observed according to the true intent and meaning thereof, which Oath is to be taken before such person or persons as shall be appointed by the Kings Ma^{ty} &^{ca} Whitehall

That all Nav^l Officers in the Plantations within two months after Notice of this Act or as soon as Conveniently it may be are Obliged to give Security for their true and ffaithfull performance of their Duty and any that shall hereafter be Appointed are likewise Obliged within two months or as soon as Conveniently it may be to give the like Security as afores^d and till such time as such Security is given and the Officer appointed be approved on by the Com^{rs} of the Customs in England the Gov^r of the place who appoints them to be Answerable for their Offences, and these Security's are to be given to the Commission^{rs} of the Customs in Engl or to such as by them shall be appointed to his Ma^{ty} Vse. Whitehall

That by another Clause of the s^d Act all Lawes that Either are or shall be made repugnant or contrary to the s^d Act or the other Acts of Trade and Navigation therein in any of the Plantacōns &^{ca} are to be declared and Judged Void and Null.

That by another Clause of the s^d Act the Govrn^r or Officer appointed by the Commission^{rs} of the Customs are to inspect all Certificates of having given Bond in England &^{ca} And where they suspect any fraud or deceit in such Certificates they are Enabled to Require and take security in the Plantacōns &^{ca} for delivery of that Lading according to Law &^{ca} And where the Govern^r or Officer shall have Cause to suspect that the Certificate of having discharged the Plantacōn Lading in England is false or Counterfiet the Govern^r or Officer afores^d shall not Cancell such Bond till they are Inform'd from the Commission^{rs} of the Customs in England that the matter of the s^d Certificate is True &^{ca} Whitehall

By another Clause of the s^d Act it is declared that after p. 438

Lib. H. D. the making this Act; all places of Trust in the Courts of Law or what relates to the Treasury of the said Islands shall be in the hands of the Native Born Subjects of England or Ireland or of the s^d Islands, and that no persons be permitted to Serve as Jurymen upon any Information brought but what are as afore expressed.

By another Clause it is declared that where at any time Bonds of Navigation &^{ca} are taken in the plantation &^{ca} the persons therein Sureties are to be p^{rs}ons of known Ability and Resident in the s^d Plantation &^{ca} And the Condition of the s^d Bonds shall be within Eighteen months after the Date thereof (the danger of the Seas Excepted) to produce Certificate of having Landed and discharged the Goods therein mention'd &^{ca}

Whitehall By another Clause of the s^d Act it is declared that in all Cases where any Ship or Vessell is pretended to belong to any Plantacōn &^{ca} Oath is to be made thereof as in the Act is directed and must be Registered by and before the Govern^r and principall Officer of his Ma^{ty} Revenue, and being so Registered and Attested by the Govern^r or such principall Officer, One part thereof shall be delivered to the Master of such Ship &^{ca} and another part thereof transmitted to his Ma^{ty} Commission^{rs} of his Customs in London and if any Ship is taken at Sea as Prize and brought into any Plantacōn and for Condemnation the same Oath must be made and Certificate thereof transmitted as afores^d and upon any Alterations of any Ships name or transferr of Property, the same Ship &^{ca} shall be Registered de novo and Copy transmitted as afores^d

There are Severall other Clauses in the s^d Act Some of them directive to the Judges, Some to the Officer and some to the parties Concern'd which we doe not Conceive to be Comprized within the Tenor of yo^r Ex^{cy}^s charge to Us but this is what we Conceive particularly to Relate to the Governm^t of this Province and which is humbly Submitted to your wisdom by

your Obedient Serv^{ts}

George Plater
W^m Dent

The s^d Report was Approved off and it was Ordered thereon as it is hereby Ordered that an Ord^r go to the Nav^l Officers to give Security pursuant to the directions of the afore recited Act of Parliam^t.

Whitehall That it be Referred to the Lawyers to inquire whether there is any Law of this Countrey Repugnant to the s^d Act and the other Acts of Trade now in force That an Ord^r go to

all the Officers that upon the least Suspicion of Counterfiet Lib. H. D.
Certificates for discharge of any Navigation Bonds, they
Cancell not the Bonds till it be further Certifyed from the
Commission^r &^{ca}.

That publick inquiry be made whether there be any p^rsons
that are of the Courts of Law or of the Treasury that hold any
Trust in this Province that are Scotchmen &^{ca}.

That the Clause about Ships and Vessells Names &^{ca} being p. 439
Registered be sent to be published in every County Court.

The Severall Remarks and Orders upon the foregoing
Report were by Ord^r laid before the Justices of the Prov^l Whitehall
Court for their Opinion therein to be given and Came en-
dorsed as followes, Viz'

The Justices of the prov^l Courts Opin-
ion &^{ca} The Justices of the Prov^l Court having Consid-
ered of the propositions within named doe Approve
thereof. p Ord^r

H. Wriothsley Clk.

The following Ord^r were accordingly issued to the Severall Whitehall
Counties of the Province and Officers &^{ca} Viz'

By his Ex^{ty} the Govern^r and Councill &^{ca}

Dec^r the 14th 1696.

Ord^r abt
Mr Attorney
& Sollicitor
Gen^{ls} Report Vpon a Report made by M^r Attorney and Sollic-
ito^r Gen^l unto this Board concerning their inspection
into a late Act of Parliam^t (intituled an Act for pre-
venting ffrauds and Regulating abuses in the plantation Trade) Whitehall
Ordered that the following Clauses be made publick Viz' That
by the s^d Act it is declared that in all Cases where any Ship
or Vessell is pretended to belong to any Plantation &^{ca} Oath
is to be made thereof as in the Act is directed and must be
Registered by and before the Govern^r and Principall Officer of
his Ma^{ty} Revenue, and being so Registered and Attested by
the Govern^r or such principall Officer one part thereof shall
be delivered to the Master of such Ship &^{ca} and another part
thereof transmitted to his Ma^{ty} Comm^r of his Customs in
London; and if any Ship is taken at Sea as Prize and brought
into any Plantation &^{ca} for Condemnation, the same Oath
must be made and Certificate thereof transmitted as afores^d
and upon any alteration of any Ships Name or transferr of
property the Same Ship &^{ca} shall be Registered de novo and
Copy transmitted as afores^d. That by another Clause of the Whitehall
s^d Act it is declared that after the making the s^d Law, all places
of Trust in the Courts of Law or what relates to the Treasury

Lib. H. D. of the s^d Islands shall be in the hands of the native born Subjects of England or Ireland or of the s^d Islands and that no person be permitted to Serve as Jurymen upon any Information brought but what are as afore Expressed; Ordered that publick inquiry be made whether there be any places of Trust in the Courts of Law or of the Treasury held within this Province by any persons other than what are Native born Subjects of England, Ireland or of the s^d Islands as is afore expressed, and that a Return thereof be made accordingly.

By his Ex^{ncy} the Govern^r & Council &^{ca}

Dec^r the 14th 1696.

Whereas by a late Act of Parliam^t (intituled an Act for preventing ffrauds and Regulating abuses in the plantacōn Trade) it is directed that all Navall Officers in the plantacōns shall within two Months after having Notice thereof or as soon as it conveniently may be, give security for their true and ffaithfull performance of their Duty and any that shall hereafter be Appointed are likewise Obliged within two Months or as soon as it conveniently may be, to give the like security as afores^d to be approved on by his Ma^{ty} Commission^{rs} in England and to them given or to such as by them shall be Appointed for his Ma^{ty} Vse; Ordered thereupon that the respective Nav^l Officers within this Province doe give Security pursuant to the directions of the s^d Act of Parliam^t And that upon the least Suspicion of Counterfiet Certificates for discharge of any Navigacōn Bonds they Cancell not the Bonds till it be further Certifyed from the Com^{rs} of his Ma^{ty} Customs that the matter of the s^d Certificates are true &^{ca}.

Ordered that the hon^{ble} the Comm^{rs} of his Ma^{ty} Customs be sent to; desireing that they would please to Send in two dozen of the Books of Rates and two dozen of the late Acts of Parliam^t touching the plantacōn Trade for the Vse of the Severall Counties of the Province.

Vpon a proposall made by his Ex^{ncy} to Cap^t Josiah Daniell Command^r of his Ma^{ty} hired Ship the Prince of Orange, in p'sence of the hon^{ble} his Ma^{ty} Council & Justices of the prov^l Court, which way he thought best for his Ma^{ty} Service that the Ships now in this Province might be Obliged to Joyne the Commodore in Virginia and whether it might not be best that they meet together

in Some Convenient place so th^t they may all go down together; to which the s^d Cap^t Daniell makes Answer that it will Conduce most to his Ma^{ty} Service that they all goe down together and proposes that an Ord^r may Pass that the Ships up the Bay may Joyne him at the mouth of Petuxant River, and that the Ships up Potomock may meet at the Mouth of S^t Maries River, to whom he Says he Can Easily give Notice when they Saile, and that they give good Bond for the performance thereof; which was Agreed to and Ordered thereupon as it is hereby Ordered that all the Ships up the Bay do give Bond at their Clearing to goe down to the Mouth of Petuxant River to Joyne Cap^t Josiah Daniell (Commander of his Ma^{ty} hired Ship the Prince of Orange there) And all the Ships up Potomock to meet at the Mouth of S^t Maries Riv^r in Ord^r to Saile all down together with Cap^t Dan^l afores^d to Joyne the ffeet in Virginia under the Conduct and Command of the hon^{ble} Cap^t Charles Wager Comodore of the Virg^a and Maryland ffeet, and that what Ships are in Pocomoke District do Give Bond to Joyne the Comodore in Virg^a hereby strictly charging the Severall Collecto^rs and Nav^l Officers of this Province to take due Notice hereof and Conform themselves accordingly.

Lib. H. D.

At a Councill held &c^a December the 15th 1696.

Present

His Ex^{ty} ffancis Nicholson Esq Cap^t Gen^l &c^a

S^r Thomas Laurence Baron^l Secretary
Thomas Tench Esq
Coll: John Addison
Coll: John Courts
Thomas Brooke Esq

Whitehall

Ord^r abt the
three pence
p^p hhd to be
Collected by
George
Plater Esq
&c

Ordered that the Additionall Duty of three pence p^p hhd due to the Countrey and Given by an Ordinance of Assembly towards the Building of a Church at Annapolis, for and during the Space of One whole year be not collected by any of the Navall Officers of Petuxant or Potomock District, during that time but that the Same be Collected by George Plater Esq Coll^r of Petuxant District and his Dep^{ties} and George Muschamp Esq Coll^r of Potomock District, whereof the Severall Coll^rs and Nav^l Offic^rs are to take due Notice, and that what Duties are Collected by Major Robert King Navall Officer of Pocomoke District, the Bills for the Same, together with the

Whitehall

Lib. H. D. Acco^t thereof are by him to be instantly transmitted to George Plater Esq at Petuxant.

Whitehall Ordr abt the Sheriffs having liberty to goe out of their Countie while the fleet Stays &c Vpon a Peticōn preferred by M^r Walter Cambell high Sheriff of Dorchester County humbly praying a favourable dispensation at p^rsent of a late Ord^r from this Board Commanding that noe Sherriffe shall depart his Bayliwick without the particular leave of his Ex^{ty} ffirst had &c^a setting forth that he should not otherwise be capable of Defraying the publick and County Leavy and Officers fees in Tob^o that being a Poor County and dealt generally in Provisions, which by traffiqueing into the Adjacent Counties, he was thereby Capable of converting the same into Tob^o for the discharge of such Publick Dues &c And also upon the Application of Maj^r W^m Whittington high Sheriff of Somerset County humbly praying that he might be permitted to Come over the Bay having some Acco^{ts} which he must necessarily settle before the fleet goes out; Ordered thereupon that the Sheriffs of the respective Counties within this Province be permitted to goe about their Lawfull Occasions into another County dureing the fleets stay in the Countrey, but that the fformer Ord^r afterwards be fully complied withall.

John Popes Petition for having M^r Sam^l Withers Sheriffs Bond put in Suit being Read was Ordered, and indorsed accordingly.

December the 15th 1696.

Whitehall Ordr abt the Court of Chancery & Govern^r & Councill &c Vpon further Representation, Ordered that the Court of Chancery sit at the Port of Annapolis the last Tuseday in ffeb^{ry} next and the Commissaries Court at the same time, and that the Provinciaall Court do sit the ffirst Tuseday in May after and that the Court of Chancery do again sit the last day of the s^d Court and the Govern^r and Councill for hearing Appeales & Writs of Error two days after hereby Commanding the Sherriffs to make the same publick.

Whitehall Ordr abt the Eastern Shore Business &c Ordered that if any Person (coming from the Eastern Shore) have Business depending in the prov^l Court and Court of Chancery or before the Govern^r and Councill, at one time, such person may have a dispatch of the same sooner notwithstanding the former Ord^r hereby directing that the Provinciaall Docquet be inspected to Examine whether there be any such, to the End the Courts may be appointed and the Lawyers have Notice accordingly.

Ord^r to George Plater Esq
to deliver up all Madam Blackistons papers &ca
Ordered that George Plater Esq his ma^{ty} Coll^r and Receiver for Petuxant District do upon Sight hereof Surrend^r up unto George Muschamp Esq. Coll^r and Receiver of his Ma^{ty} Customs, in Potomock District, all Madam Blackistons papers now in his Custody, and all other Papers relating to his Ma^{ty} ffines and other Duties &ca arising and becoming due within the Counties of S^t Maries Charles & Prince Georges, in Ord^r to be taken Care off by the s^d M^r Muschamp the same being now by Commission within his Collection. Lib. H. D. Whitehall

Wm & Mary Parish excused for not sending at p^{re}sent
Coll: Courts affirming that the Vestry of William and Mary Parish have a List of Marriages Ready and their proceedings pursuant to Ord^r &ca (which he says he will take Care Shall be Speedily Sent) are Excused for not sending at p^{re}sent.

Ord^r abt Mr Collyers paym^t of 20: odd thousand pounds of Tobo to Mr Marsham
Came M^r Richard Marsham of Calvert County and humbly moves this hon^{ble} Board, that having obtain'd Judgm^t against M^r Thomas Collyer in the Prov^l Court of this Province, some time last Summer for 20: odd thousand pounds of Tobacco but the s^d Collyer acting at p^{re}sent by Commission under his Ex^{cy} does Pray an Ord^r of this Board that Execution may issue ag^t him upon the s^d Judgment whereby he may be Enabled to Get Satisfaction for his s^d Debt; Ordered thereupon as it is hereby Ordered that the Petition^r send to the s^d M^r Collyer about it, and if in Case he Neglects or Refuses to make Speedy Compliance therein, his Ex^{cy} will upon Notice thereof displace him and leave him open to the Law.

Ord^r abt Mr Watkinson's debt to be made an End of in the Court of Chancery &ca
The s^d M^r Marsham does likewise humbly move, That having obtaind Judgm^t against Cornelius Watkison in Calvert County Court for 30: odd pounds upon a protested bill of Exchange, the s^d Cornelius hath since obtaind an Injunction in Chancery to Stop proceedings, whereby to delay paym^t of the Debt, does therefore pray that an Ord^r of this hon^{ble} Board may pass to put a Speedy End to the s^d matter; Ordered that the same be Referred to the Court of Chancery for them to make a Speedy End thereof.

Proposall abt Materialls for the Church & Schole worke
Proposed that what Materialls W^m ffreeman the Bricklayer wants for the Church, and Schole Worke, his Ex^{cy} will send to M^r Perry in Lond^o for the same who will purchase them as cheap as any other person.

Lib. H. D.

Decemb^r the 16th 1696.

Clause of an Ord^r of Councill Sworne to &ca That what person soever shall discover any Disturbance likely to happen within this his Ma^{ty} Governm^t shall have a Reward of 20^{li} Sterl. & if a party Concern'd shall have his Pardon.

The above is a Clause contained in a Certain Ord^r of Councill of the above date; issued and sent to each respective County of the Province.

Henry Denton Cl. Concil.

Sworne to, in Open Court by M^r Denton as a true Copy.

Chr: Gregory Clk.

Mr Bouye Oath &ca I John Bouye being Clerk of the Commissary's Office this three years past do declare that directly or Indirectly his Ex^{ncy} Francis Nicholson Govern^r of this Province never did Comand or Order me to doe or Act in anything or Cause whatsoever Contrary to Law or the Usage of this Province, and no more but given me strict Ord^r to be Carefull of the Records & to be diligent in my Office of Clerkship. This I doe Sincerely declare, as Witness my hand this 14th December 1696.

Jurate in Cur die & anno Supdcis
H Wriothsley Clk of
the Prov^l Court.

J. Bouye.

Mr Wriothsley's Oath I the subscriber doe Solemnly Swear that I have been Constituted and Comissionated to be Clerk of the Prov^l Court under the Hon^{ble} S^r Thomas Laurence Baron^t Secry^r of this Province of Maryland for the space of three years or thereabouts, and that since the time I have been in the s^d Office, his Ex^{ncy} Francis Nicholson Esq the p^rsent Govern^r of the Province hath not either directly or Indirectly comanded me to issue out of the Secryⁿ Office any process whatsoever against any person or persons contrary to the Laws of England or any of the Laws and Customs of this Province. In testimony whereof I have hereunto set my hand this 14th day of December Anno Domini 1696.

H: Wriothsley Clk of the Prov^l Co^rt.
Jurate in Cur: die et Anno Supdcis.

December the 12th 1696.

Maryland ss

Mr Bladens Oath &ca I William Bladen do hereby Solemnly declare that as I am Clerk of the House of Burgesses or Assembly of this Province Clark of St. Maries County

Court and Clerk of the Indictm^{ts} in Prince Georges County Lib. H. D.
that I never had any directions or Comānds from his
Ex^{ncy} our p'sent Governo^r to Act or do anything whatever
belonging to my Office either for, or in p'judice of any person
or persons whatsoever, nor any advice or Instruction from his
Ex^{ncy} further then to be dilligent in my Duty to Dispatch the
Countrey Business, nor Ever had so much as the thoughts of
giving any part of the proffit or perquisites of my Offices to
his s^d Ex^{ncy} or any Guift or p'sent to him for Conferring them
upon me so help me God and his holy word.

Jurat in Cur 12^o Decem^r 1696.

W. Bladen.

H: Wriothsley Clk.

Maryland: ss.

Oath of some
of the Coun-
cill abt
his Ex^{ncys}
Governmt

We the Subscribers being Members of his Ma^{ty}
hon^{ble} Councill of this Province, do hereby Solemnly
declare that we have not at any time, either directly
or Indirectly Received any directions or Comānd
from his Ex^{ncy} the p'sent Gov^r to do any illegall Act or thing
whereby Justice may be perverted or to Regulate or Square
our Actions contrary to the Station and places of his Ma^{ty}
Councill^{rs} in w^{ch} his Ma^{ty} hath been pleased to place us here;
Given under our hands this 15th day of December in the
Eighth year of his Ma^{ty} Reign &^{ca}

Annoq Domini 1696.

John Addison
John Courts
Tho: Brooke

Maryland ss:

Oath of the
Justices of
the Provin-
ciall Court
abt his Ex^{ncys}
Government

We the Subscribers Officiateing by Commission,
in the Quallifycacōn of his Ma^{ty} Justices of the Prov^l
Court of this Province do hereby solemnly declare
that we did Never directly nor Indirectly Receive
any Comānd or direction from his Ex^{ncy} the p'sent
Govern^r for the doing any illegall Act or thing whereby
Justice might be perverted or the Law Strain'd beyond its p. 83
due limits, either for the ffavouring or punishing any partic-
ular party or parties, but that both the Generall & particular
Comānds We have always Recd from his Ex^{ncy} have been to
see Speedy Justice done & good Rules made for the more
Effectuall putting in prosecucōn all the Laws of England
& of this Province; Given under our hands this 14th day of
December in the Eigth year of his Ma^{ty} Reign &^{ca} Annoq
Domini 1696.

Robert Smith	}	Philip Hoskins	}
Philip Clarke		Thomas Staley	
Jn ^o Hamond		and	
Tho: Tasker		Rich ^d Hill	

Lib. H. D. Sworn unto in Open Court before the Hon^{ble} S^r Thomas Laurence Baron^t one of his Ma^{ty} hon^{ble} Councill the day and year abovesaid.

H: Wriothesley Clerk of the Prov^l Court.

Mr Hen: I Henry Denton doe hereby Certifye and declare
Denton's that whereas I have had the ffavour to Enjoy Severall
Oath. places of proffitt since the Arrivall of his Ex^{cy}
ffrancis Nicholson Esq within this Province; Viz^t Clerk of his
Ma^{ty} hon^{ble} Councill of State & in the Assembly, Reg^t of his
Ma^{ty} Court of Vice Admiralty on the Western Shore & Navall
Offic^r of the Port of Annapolis, the which I now hold by his
Ex^{cy}s particular favour; but never gave the least gratuity or
reward for the Enjoym^t of any of the s^d places, neither at any
time did I ever Receive any directions or Comānd either
directly or Indirectly to do any thing Contrary to my Duty in
the Execution of any of the s^d Offices.

Jurat in Cur 12^o Dec^r 1696.

Hen: Denton.

H: Wriothesley Clk.

Mr Watkins I under written doe swear that I have been Em-
Oath about ployed by his Ex^{cy} ffrancis Nicholson Esq^r Govern^r of
his Ex^{cy}s Maryland &^{ca} as Nav^l Officer of Petuxant District and
Governm^t I doe declare th^t during the time I have served in th^t Office I
never had or received any other instructions from him then to
be dilligent and see the Laws of Trade and Navigacōn care-
fully observed and put in Execution and that I never was
pressed by his Ex^{cy} to do any thing in my s^d Office but what
the Law would Justifye me in and that I doe not pay any
premium for my s^d Office to his s^d Ex^{cy} directly or Indirectly
in any wise whatsoever.

Jurat in Cur 12^o Dec^r 1696.

S: Watkins

H. Wriothesley Clk.

p. 84 I Kenelm Cheseldyn doe depose upon my Oath that having
been ab^t three years Commissary Gen^l under his Ex^{cy} Colonel
Nicholson his Ma^{ty} p^sent Govern^r of this Province of Mary-
land and also one of the Masters in Chancary for some time
and one of his Ma^{ty} Justices for S^t Maries County Court in the
s^d Province ag^t his Ex^{cy} did never advise Councill or by
any way or means influence me in any the s^d Offices, to doe
otherwise but what I was Obliged by Law and Equity to doe,
and did always advise me to Act therein according to the best
of my Skill and knowledge in the Same, and further that he
Granted me the s^d Place, without any Consideracōn given, and

believe the same was granted of his own free will, and by Lib. H. D.
Advice of the hon^{ble} the Councill of the Province.

Jurat in Cur die et Anno Supdcis K: Cheseldyn
H: Wriothsley Clk: of the prov^l Court.

Mr Dents I under written do Testifye that I have been some
Oath abt his years in his Ma^{ty} Service within this Province as
Ex^{cy}s Sollicito^r Gen^l under the p^rsent Govern^r Conduct
Legall and by his Comand and during that time I have
Governm^t been often Comanded to Attend his Ex^{cy} but in all that time
I can and doe say that his Ex^{cy} neaver Required advised or
Comanded me to prossecute or doe any thing Contrary to or
against Law or Ever Comanded me to strain or Urge any
thing ag^t any man Contrary to or beyond the Law but to the
best of my remembrance hath Constantly and at all times
Comanded me to proceed according to the Law but neaver as
I know Urged me to any thing beyond what the law warranted
and to the best of my knowledge I have not in the s^d Service
Acted Contrary to Law.

Jurat in Cur 12^o Dec^r 1696.

H: Wriothsley Clk:

Mr freemans I John freeman (who have been for the Space of
Oath about two years and almost three months, and am still,
his Ex^{cy}s Register of the high Court of Chancery for the
Legall Gov- Province of Maryland) do upon my Oath and with
ernm^t all Sincerity testify and declare, That his Ex^{cy} Francis Nich-
olson Esq Cap^t Gen^l & Govern^r of this Province did never
directly nor Indirectly, (by any Comand or other means what
soever) enjoyn or Require me to Act or doe any matter or
thing contrary unto any Law, Statute, Usage or Custom of
England or of this Province; nor to use partiallity for or ag^t
any person, in any Cause commenc'd or depending in the
s^d Court, And in all doubtfull & difficult Cases wherein (by
reason of the absence of the Chancelo^r or other p^rsons prin-
cipally Concern'd) I have been necessitated to Request his
Ex^{cy}s directions, This only Answer have I allways recd: (to p. 85
wit) That it was his pleasure & Comand that I should Con-
sult the Law and advise with the proffessors thereof: and
upon due Information act according to their Instructions and
the Degrees Rules and Orders of his Ma^{ty} high Court of
Adm^{lty} without respect of persons or delay of Causes. Nor
do I know or believe th^t his Ex^{cy} ever Received any Guift, or
so much as a promise of any Guift whatsoever, from any
person, to Conferr any place or Office, or ffavour any Cause,

Lib. H. D. Nor doe I believe th' any of his Ma^{ty} Subjects in this Province
have any Cause to Complain against his Ex^{ty} Governm'
To the Truth whereof I do heartily Subscribe
John Freeman, Reg' in Chancery.

Sworne Dec^r 14^o 1696. before the Principal Justices in Open
Court at Annapolis. H. Wriothsley, Clk:

Mr Platers Oath given about his Ex^{ty} legall Governmt. I under written do swear that I have been
Imploy'd as Attorney Gen^l of this Province under
his Ex^{ty} the p'sent Gov^r ever since his Arrivall in
this Province and that I never had any Instructions
or advice from his Ex^{ty} during the time aboves^d either
directly or Indirectly to prosecute any person or persons ag^t
Law, and that I never was asked or demanded gratification
or Reward for my Place of Attorney Gen^l.

And I do further declare upon my Oath, that having for the
time afores^d been appointed Collecto^r and Receiver of Petux-
ant District, I never was Directed by his Ex^{ty} the Gov^r to
advance or increase any ffees, or alter any for his Ex^{ty} Inter-
est more than the Law directed nor to doe or Act any thing
or things as Collect^r & Rec^r afores^d contrary to Law.

12^o Dec^r 1696: George Plater.

Then Came the above Named George Plater Esq & made Oath
upon the holy Evangelist that the Contents aboves^d is the
Truth.

H: Wriothsley Clk.

December the 16th 1696.

Whitehall The Councill again Sate and were p'sent as yesterday
This Board having taken into consideracōn the evill
Consequences th' doe dayly happen to this his Ma^{ty}
Governm^t occasion'd Cheisly through the remiss-
ness of the officers thereof in the strict performance
of their duty, are pleased to Ord^r as it is hereby Ordered that
the Sherriffs in the ffirst place look well to the discharge of their
Duty and of the great Trust and Confidence reposed in them,
and that they take Special Care duly to execute all precepts,
and punctually observe and Obey all Ord^{ns} of his Ex^{ty} which
from time to time they shall Receive, under penalty of being
displaced and prosecuted according to the Utmost Rigour of
the Law; And that they give notice in generall to all Offic^{rs}
Military and Civill within their respective p'cincts to be dili-
gent and Circumspect in the Execution of their severall Offices
and places; His Ex^{ty} being pleased openly to declare it to be

Ord^r abt due
Compliance
to be made
by all Officers

his firm Resolution that those p'sons that make due Comply-
ance in the Just performance of their Duty may expect all
imaginable flavour he Can Shew them, but on the Contrary
deserved punishmen^t That what person soever
shall discover any disturbance likely to happen
within this his Ma^{ty} Government shall have a
Reward of Twenty pounds Sterl. and if a Party
Concern'd shall have his Pardon; His Ex^{cy} is fur-
ther pleased to declare that as for himself he thanks God, he
has and shall discharge his Duty to God and the King and
shall Endeavour to doe all the good for the Countrey he is
Capable off being the Reasons that induced his Ma^{ty} to send
him hither.

Lastly his Ex^{cy} is pleased to declare that he shall take it as
a particular kindness from any person that shall in a Modest
and Dutifull manner truly inform him how the Glory of God,
his Ma^{ty} Service and Good of the Countrey may be better
promoted and how any of these are neglected, and does further
Command all p'sons whatsoever to doe the Same.

Ephraim
Wilson's
psecution
Order'd to
be stopt &c M^r Ephraim Wilson late high Sherriff of Somerset
County having Return'd a list of Supernumerary
Tythables sworne to pursuant to former Ord^r is
(upon his Application & motion by a Letter sent
setting forth his p'sent indisposition) Ordered to be dismissed
from further prosecution and he is hereby dismissed accord-
ingly.

His Ex^{cy} is pleased to Demand of the Board if they have
any thing else importing his Ma^{ty} or the Countreys Service for
to Offer at p'sent, who say they have not.

A List of such Persons as have neglected to make Returns
to all Orders of Councill in December Anno 1696 Viz^t

In S^t Maries County.

Severall
prsons to be
psecuted
out of each
County for
not making
due Returns
as p Ord^r
folio 428 M^r Robert Mason high Sherriff for not Returning
an Acco^t of the Justices Sitting and not Serving the
Clerk with the Ord^r about returning the County
Leavy and the Ord^r about the Non Ests.

All the Justices of the s^d County for not Causing
a List of marriages to be returnd. All the Vestry-
men of both Parishes in the s^d County, for not
returning a transcript of their whole proceedings, and the List
of Marriages in that manner the Ord^r prescribes.

Coll: Cood for not making Oath to the Supernumerary
Tythables.

Constable of New Scotland hundred for not Returning a 2^d
List of Taxables.

Lib. H. D.

p. 445
Whitehall

Lib. H. D. In Prince Georges County.

M^r Thomas Greenfield Sherriff for not returning an Acco^t of the Justices sitting.

All the Justices of the s^d County for not Causing a List of marriages to be Return'd. All the Vestrymen of the s^d County p ditto.

The Clerk of the s^d County Court for not Returning an Acco^t of the Justices sitting.

In Baltemore County.

Maj^r James Maxwell Sherriff for omitting to make Return to almost all the Orders Returnable last Councill.

All the Justices of the s^d County, for not Returning a List of Marriages & Certifying their having finished all Business.

The Vestrymen of S^t Pauls Parish, for not Returning a List of marriages and proceedings.

Coll: John Thomas for not making Oath to the Super-numerary Tythables.

In Talbot County.

All the Justices of the s^d County, for not Causing a Return to be made about their finishing all Business.

All the Vestrymen of S^t Michaelles, S^t Pauls & S^t Peters Parishes in the s^d County for not making a Return of their proceedings; as also S^t Michaelles Vestry for not Returning a List of Marriages.

In Somerset County.

Maj^r W^m Whittington Sherriff for not returning an Acco^t of the Justices Sitting and of the Ord^r about the Non Ests.

All the Justices of the s^d County for not Certifying their having finished all business and Returning Lists of Marriages.

p. 446 The Vestrymen of all the Parishes in the s^d County except Snow hill, for not returning Lists of Marriages and their proceedings.

John West former Clerk of the s^d County for not returning the County Leavy & an Acco^t of the Justices Sitting.

In Calvert County.

M^r George Ligan Sherriff for not Returning an Acco^t of the Justices Sitting & of the Ord^r about the Non Ests.

All the Justices of the s^d County, for not Certifying their having finished all Business and Returning Lists of Marriages as the Ord^r directs.

All the Vestrymen of Christ Church, S^t Pauls and all ffaiths Lib. H. D. parishes for not returning the Lists of Marriages and their Vestry proceedings.

The Clerk of the s^d County Court, for not Returning an Acco^t of the Justices Sitting.

In Charles County.

All the Justices of the s^d County for not Returning List of Marriages.

All the Vestrymen of Portobacco & Nanjemy parishes for not Returning a Transcript of their proceedings; as also the ffirst for not Returning a List of Marriages. The Clerk of the s^d County Court for not Returning an Acco^t of the Justices sitting.

In Cæcil County.

Coll: W^m Peirce Sherriffe, for not Returning an Acco^t of the Justices Sitting. and about the Constables taking a List of Taxables and of the Ord^r ab^t the Non Ests. All the Justices of the s^d County, for not certifying their having finished all Business & Returning List of Marriages.

All the Vestrymen of North & South Sassafrax parishes for not returning a List of Marriages & their Vestry proceedings.

The Clerk of the s^d County Court, for not returning an Acco^t of the Justices Sitting.

M^r John Carville for not making Oath to the Supernumerary Tythables.

In Dorchest^r County.

M^r Walter Cambell Sherriff, for not Returning an Acc^t of the Justices Sitting.

And about the Ordinance of Assembly for quieting the minds of the people & of the Ord^r about the Non Ests &^{ca}

All the Vestrymen of Great Choptanck & Dorchest^r Parishes for not Returning a List of marriages; as also the latter for not Returning a Transcript of their pceedings.

The Clerk of the s^d County Court for not returning an Acco^t of the Justices Sitting.

In Kent County.

All the Vestrymen of Kent Island & S^t Pauls Parishes for not Returning a Transcript of their proceedings; as also the ffirst for not Returning a List of Marriages.

The Constables of the Lower hundred & Upper hundred of Chester River for not Returning a 2^d List of Taxables.

Lib. H. D.

December the 16th 1696.

p. 44¹ Ord^r abt the It being proposed by his Ex^{ncy} whats to be done
Ships tht with the Ships that shall be left behind or that shall
come in after happen to Come in after the fleet is Sayl'd, whether
the fleets they shall be stopt to go in a fleet together or to
Sayling. goe Single as they get ready, and which will Conduce most
to his Ma^y Service, Where upon after a full Debate therein
had it is Resolved and Ordered that if there should not happen
such a number of Ships and of Good Countenance as were
upon Making up the fleet last year that then they be per-
mitted to Sayle as fast as got Ready pursuant to fformer Ordⁿ
Whitehall & Advice in Councill.

Ord^r abt the Ordered (if in Case no Extraordinary Occasion
Assemblys happen out) that the Assembly be prorogued for
being pro- Some further time ; and that timely notice be given
rogued if thereof.
Occasion.

Ord^r abt the Vpon Representation, Ordered that none of the
Rangers not Rangers imploy'd in the publick Service of the
to be Ar- Countrey be lyable to any Arrest for debt during
rested their being Actually in Service ; but that where any Debt is
Claim'd from them so that they will not make Compliance,
that then upon Complaint to his Ex^{ncy} care will be taken that
Whitehall such Debtor be turn'd out and another person put in his Stead ;
hereby Commanding the Sherriffs of Charles, Baltemore &
Prince Georges Counties to take due notice hereof and pub-
lish the same accordingly.

Ord^r to the Ordered that the Com^{rs} of the respective County
Severall Courts of this Province Cause a Grand Jury to be
County Summoned in Jan^{ry} next, and that if please God,
Courts to Ad- such weather should happen that the Courts cannot
journ &c^a then sit to do business, that they thereupon Adjourn to some
time in feb^{ry} without faile and that the Sherriffs publish this
Whitehall Ord^r and that the papers and Depositions against M^r Cood
and about calling the Assemblys and Raising money &c^a be
then again Read a new and that the Sherriffs and their Dep^{ties}
Carry Copyes of the s^d papers about with them to Satisfye the
people for fear of ffalse Reports ; so that if any disturbance
should happen, which God fforbid, they cannot pretend igno-
rance of being fforwarn'd in all these things.

Ord^r to the Ordered that in Case of any Riotts or insurrec-
Sherriffs to tion, which God fforbid, the Sherriffs of the respec-
Raise the

posse of their tive Counties do immediately raise the Posse of Lib. H. D.
 Counties if their Counties and Use their Authority to Suppress
 Occasion shall Require. them and acquaint the Militia Officers therewith,
 as also forthwith send an Express thereof unto his Ex^{ncy} and Whitehall
 so Continue Sending one Express after another untill they
 are ascertain'd his Ex^{ncy} has notice thereof.

Ordr abt Mr Clark's dis- Ordered that M^r Philip Clarke be henceforth dis- Whitehall
 missal from missed from acting as a Justice of the Provinciall
 Acting in Court of this Province and from pleading in any
 any of his of his Ma^{ty} Courts within the same, and he is hereby
 Ma^{ty} Courts at accordingly dismissed, Commanding the Sherriffe
 Law of S^t Maries County, to Serve him with this Ord^r

Quære abt Mr Cood &c Quære whether M^r Cood ought not to be Sus- p. 442
 pended from Acting as a Vestryman in King and Whitehall
 Queen Parish in S^t Maries County and that his Ma^{ty} Councill
 at Law Return their Opinion therein accordingly.

Ordr abt the Vpon Representation and the Complaint of
 Court of diverse persons Rec^d Ordered that the Court of
 Chancery Chancery do for the future sit every two months, Whitehall
 Sitting every that speedy Justice may be done and the Causes
 two months there brought not so Delay'd and prolong'd.

[Order on Ashwick's Petition.]

December the 16th 1696.

Ordr for a Commission to be issued abt a Spl^l Court The within Peticōn & Report thereon, being Read
 His Ex^{ncy} in Council was pleased to Ord^r as it is
 hereby Ordered th^t a Commission issue out of the
 Secry^s Office accordingly therein Constituting Cap^t
 William Barton, M^r Hen: Hawkins Maj^r James Smalwood, M^r
 Philip Brisco, M^r Joseph Manning or any three of them; where-
 of the s^d W^m Barton or Henry Hawkins to be always one to
 hear & finally determine the matter in question by a Jury of
 Twelve good & Lawfull men of the Neighborhood, for th^t pur-
 pose to be summoned tryed and Sworne & th^t the s^d Com^{rs}
 meet at the Court House in Charles County on the 20th day
 of Jan^{ry} next for the s^d End & purpose & th^t the Usual Dedimus
 to County Commissions be likewise thereto annexed for
 the taking the Oaths appointed by Act of Parliam^t to be taken
 instead of the Oaths of Allegiance & Supremacy as also the
 Oath of a Commission^r of th^t Special Court & that they Sub-
 scribe to the Test & th^t a Clause therein be inserted for them
 to Adjourn from day to day & from time to time untill the s^d
 matter by them be fully Ended & determined.

Lib. H. D.

[Report in Mr. Greenberry's Case.]

Decemb^r the 16th 1696.

The Same Came Reported thus, Viz^t

Whitehall Mr Dent & Mr Goldenborough desire to be Excus'd from making Report on the above Ord^r abt Coll: Greenberry

May it please yo^r Ex^{ncy} We the Subscribers being the one of Us concern'd for S^r Thomas Laurence who has brought an Action ag^t Coll: Greenberry abt this Revenue, and the other for the Def^t do humbly pray that we may be Excused from making any Report upon this Ord^r

Yo^r Ex^{ncys}
humble Servants
Will^m Dent
R. Gouldesborough

Decemb^r the 16th 1696.

Mr Platera Report on the sd Ord^r abt Coll: Greenberry

May it please yo^r Ex^{ncy}
I am of Opinion that the late Act of Assembly does not allow of any paym^t made out of the Revenue by S^r Edmund Andros his Warrant.
Yo^r humble Serv^t
George Plater

p. 428 Ord^r abt Coll Greenberry's having notice of the sd Report

Ordered thereupon that his Hon^r Coll: Greenberry have Notice thereof and that George Plater Esq his Ma^{ty} Receiver take Caution of him to have the s^d 150^l forth coming untill his Ma^{ty} pleasure shall therein be known being hereby left to lay the State of his Case before his Ma^{ty} thereabout.

Whitehall Ord^r to the Vestrys to make Return abt the Churches

Ordered that the Vestrys of the respective parishes within this Province make Return what forwardness the Churches are in and whether finished according to Contract and paid for, and whether the ground the same stand on is purchased & made secure to the parishion^{rs} to the End if it should not, an Act of Assembly may be procured for the Same, and that the Severall Vestrys have the s^d Acco^{ts} ready for his Ex^{ncy} perusall ag^t he comes and visitts the s^d Churches, which (God willing) he intends very shortly and that the Sherriffs Serve them Severally with a Copy hereof.

Whitehall Ord^r to the Vestry of King & Queen parish abt One hundred Acres of Land.

Ordered that the Vestry of King and Queen parish in S^t Maries County make inquiry of Cap^t Slye concerning one hundred Acres of Land, Said to be given to the Church by M^r Thomas Gerrard Sen^r and that the s^d Vestry take Care to get the Bounds thereof Rune out before the s^d Cap^t Slye depart the Countrey and that they be served by the s^d Sherriff with this Ord^r

Cap^t Slyes complaint abt the Church at Wiccocomoco & Ord^r thereon Vpon Complaint made by Cap^t Gerrard Slye how Lib. H. D.
that the Church built at Wiccocomoco for King and Queen parish in S^t Maries County is placed upon Land belonging to the s^d Cap^t Slye without any Whitehall
purchase or Satisfaction made for the Same; Ordered that the Vestrymen of the s^d Parish make Return unto his Ex^{ncy} in Councill &^{ca} how the s^d Matter is, and that they have notice to doe the same by the Sherriff of the s^d County.

Ord^r to the Colonels to see their Troops & Company's well fitted ag^t his Ex^{ncys} coming to see them Ordered that the Colonel of each respective County give directions to the Cheif Officer of the Severall Troops and Company's under their Command for to have their s^d Troops & Company's well fitted and in good Ord^r ready prepared Severally to make Answer to their Names according to the Lists Whitehall
or Muster Rolls of them taken; against his Ex^{ncys} coming to see them Exercised, which he intends (God willing) very shortly.

Ord^r for prosecucōn of all p^{sons} th^t have not made due Returns &^{ca} Ordered that due prosecution be made by M^r Attorney and Sollicito^r Gen^l ag^t all persons that have failed to make due Returns & yeild Obedience to the Severall Ord^{rs} of Councill hence issued & th^t Whitehall
a Copy thereof be delivered to them by the Clerk of this Board accordingly.

Ord^r to the Srffe of Prince Georges County to Sumons Coll Darnall Ordered that the Sherriff of Prince Georges County do upon Sight hereof Summons Coll: Henry Darnall so that he be and appear before his Ex^{ncy} the Gov^r at the port of Annapolis & bring with him Whitehall
all Navigacōn Bonds and Certificates remaining in his Custody in Ord^r to deliver up the same before he departs the province.

Ord^r abt Navigacōn bonds to be dd by Esq Layfield Ordered that George Layfield Esq Collecto^r of his Ma^{ty} Customs of Pocomoke District do with what Convenient Speed he can produce before the hon^{ble} Coll: Charles Hutchins, and Maj^r Rob^t King & deliver up upon Oath all Navigation Bonds and Certificates taken by Coll: Will^m Steevens in his life time, remaining in the possession of the s^d Esq Layfield the w^{ch} (after such Oath made) are to be lodged with the s^d Coll. Hutchins, a due Return whereof is to be made unto his Ex^{ncy} at the Port of Annapolis with all Convenient Speed. Whitehall

Lib. H. D. Ordr to be consulted by the Kings Lawyers abt the Nonests Ordered that it be Consulted by the Kings Lawyers what is to be done abt the Nonests Return'd and whether the Returns should not be according to the Laws of England within a small Compass of time, that Speedy Justice may be done.

The Same Came Reported as followes, Viz:

p. 429

To his Ex^{ncy} the Govern^r & Councill &^{ca}

December the 14th 1696.

The Lawyers Opinion abt the Nonests &^{ca} In Obedience to yo^r Ex^{ncys} Commands of the 11th instant for us to consult what is to be done abt the Nonests returned and whether the Returns should not be according to the Laws of England within a small Compass of time &^{ca} We humbly Offer that if any Sherriff hath made Returnes of Non est Inventus without doing his utmost Endeavour to take the party Def^t at the Kings Suit such Sherriff may be ffined at the Kings suit upon the matter proved against him but in some cases such return's cannot be Avoyped; And as to the Making Shorter day's of Returnes We conceive that it cannot be reduced to the practice of England without great charge and inconveniency this Countrey under its p'sent Circumstances being not Capable of such a Course of Practice for want of a Publick Post Office to give Speedy conveyance of Proses into Every County and Return the same and without such Office or Speciall messenger for that purpose appointed we cannot see how this Countrey can comply with the practice of England.

Mr John Wight constituted Coroner in the Room of Mr Bradley. Vpon Rep'sentacōn Ordered that M^r John Wight be Constituted and appointed one of the Coroners for Prince Georges County in the Room and stead of M^r Dan^l Bradley and that the s^d Bradleys Name be Razed out of the Comission granted him (being here p'sented) and the s^d Wight's name inserted therein, which was according done at the Board and given to the hon^{ble} Esq Brook's for to deliver to him.

Motion made by Sr Thomas abt process & Ordr thereon Vpon motion made by the hon^{ble} S^r Thomas Laurence Baron^t Secretary whether process had and taken out of the Secretary's Office in behalfe of the King should be done ex Officio or not, and if to be paid how ffees for such process shall be paid and by whom; Rep'senting likewise that there were Several Sorts of process

Whitehall

issued forth of his Office for which noe ffees had as yet been
Setled by Law, therefore desired some settlem^t of the Same Lib. H. D.
by this Board:—Ordered that it be Referred to M^r Attorney
and Solicito^r Gen^l and his Ma^{ty} Counsell at Law to Consult
the s^d Cases and Return their Opinion thereon unto this
Board with all convenient Speed.

The which came Reported as followes, Viz^t.

The Report
of his Mats
Council at
Law upon Sr
Thomas's
motion

In Obedience to yo^r Ex^{ty}s Commands relating to
the hon^{ble} his Ma^{ty} Secry. S^r Thomas Laurence We
humbly Offer that his Hon^r has been pleased to lay
before Us a Catalogue of such ffees as he Conceives
are not Setled by the Act of Assembly which we have hereunto
Annexed, many of w^{ch} ffees are already settled in the s^d Act of
Assembly which we have put ffirst in the paper, and those
that are not ascertain'd We have placed them afterwards in
the Catalogue with such ffees as we Conceive most agreeable
in the Law to be Annex't to them, if yo^r Ex^{ty} see fit (to wit)
Writs of Habere facias possessionem, procedendo, Restitution,
Venditioni Exponas & Replevin We take to be of the
Nature of Executions; the Law having allowed 28: for an
Execution, We Conceive the same may be allowed on these.

Dedimus potestatem to Examine Wittnesses, habeas Cor-
pus and Certiorari Commission to Audito^r Elegit and Warrant
of Resurvey being of a larger Extent than the other and in
the Nature of Instrum^{ts} under the Seal which the Law allowes p. 430
50 for.

We Conceive the same ffees may be allowed on these.

A Writ of Diminution We take to be in the Nature of a
common Capias and therefore the same ffees allowable for
them.

As to ffees in Criminall Cases or where the King is Con-
cern'd the Act hath made provission by Ordaining that the
same ffees shall be taken as in Tobacco at one penny p pound;
and in Cases where the King proceeds by Action and Re-
covers or by Indictm^t and Convicts the Defend^t there we
conceive the Def^t ought to pay the fees, but where it appears
that a party has done no Wronge in Criminall Matters or
owes not the debts Claim'd by the King in Civill Cases there
we Conceive the party ought not to pay ffees to the Secretary
more than to the Sherrieff that Executes the Process issuing
from the Secretary and the Law hath Ordained that in such
Cases the Sherrieff shall not Exact or Require any ffees for
Executing such process, but shall do and perform the same
ex Officio and so we Conceive the Secretary ought untill that

Lib. H. D. matter shall be settled by Govern' Councill & Assembly. All which We

humbly Submit to yo' Ex^{ty} & are
Yo' Obedient Servants

George Plater

W^m Dent

The List followes, Viz^t

R. Gouldesborough

A List of S^r Thomas his }
ffees allowed him. }

A List of ffees Delivered Us by S^r Thomas Laurence to
Consult a Supposing them settled by Act of Assembly.

Venire fac: & Ret . . . 28	}	County Co't Commissions	}
Speciall bail in Court . . 12		& ^{ca} 350	
Recogn. in Court . . . 12		Ne Exeat p'ovinciam . . 120	
Shrffes Commissions ev- ery one is 240 a peice }	}	An Injunction . . . 240	}
		Audita Querela . . . 120	
		ffiling Demurer . . . 16	

Whitehall These we find all Settled by the Act Already.

These following ffees are not Expressly Settled, but we
Conceive they may fitly and Justly be Settled in this manner.

Hab: fac: possessionem } Being both Executions at 28 each as
procedendo } other Executions are in the Law.

Replevin 28

Dedimus to Examin Witnesses } These being in the Nature of
Hab: Corp: & Certiorari } Instrum^{ts} under the Seal men-
Commission to Audit^{rs} } tion'd in the Act & Allowed
Elegit & Warr^t Resurvey } 50 for which we Conceive the
Same ffee may be allowed in
These.

A Writ of Diminution We Conceive ought to be as much
as a Common Capias, and that is 28.

Decemb^r the 16th 1696.

Whitehall Ord^r abt
S^r Thomas
his ffees

The above Report & List of ffees being Read was
Approved off by this Board being pleased to Ord^r
Thereon as it is hereby Ordered that the ffees as
they are laid down in the above List; before the ffuture taken
by the hon^{ble} the Secry of the Province but as to those relating
to the King, he is Referred to lay the same before his majesty
in Councill.

Ord^r for a
Report to be
given abt
the State
House

His Ex^{cy} is pleased to give Notice to the Justices of the Prov^l Court that they be all there p^rsent upon the Bench & that what Burgesses were in Town should be Summoned to be there having some thing to communicate to them in publick.

Lib. H. D.
P. 431

His Ex^{cy} accordingly goes Down to the Court House attended with the Gentlemen of his Ma^{ty} hon^{ble} Councill, wherein Open Court he was pleased to say that he was Come to impart a matter to them concerning the Intrest of the whole Countrey Viz^t

The New State House building which it was fear'd would take damage for want of being covered; the Carpinter at work upon the s^d House (being there p^rsent) was asked how ffarr he had proceeded and why it is not Cover'd who makes Answer that he Can doe no more towards it than he has done for want of Stuffle, and as to what work is done and still to doe, it is a Rule among Workmen for to Reckon a House but halfe done when the Roofe is Raised; he is Asked what damage the work will take, if it will not be Cover'd this Winter, Who does say that the wooden Work will not Suffer very much, but the Brick work will, to which the Brick-layers (being p^rsent and asked their Opinion) did agree, Whereupon it is proposed by his Ex^{cy} that two of his Ma^{ty} hon^{ble} Councill, two of the Justices of the Prov^l Court & two of the members of the House of Burgesses do goe and Veiw the s^d House & make Report what Remains still to be done, both as to the work and Charge, what damage is like to Ensue if the same is not Speedily inclosed and what methods will be best for the Speedy preserving thereof from the Weather; and were accordingly appointed the hon^{ble} Coll: John Courts and Thomas Brook Esq of his Ma^{ty} Councill, Cap^t Richard Hill, & Cap^t Philip Hoskins two of the Justices of the Prov^l Court, Maj^r Edward Dorsey & M^r W^m Hemsley two of the members of the House of Burgesses, the Carpinter and Bricklayers were Ordered likewise to Attend them, and M^r W^m Bladen Clerk of the House of Burgesses to take the s^d Report.

At the Port of Annapolis

P. 447

Jan^y the 4th 1696.

Ord^r abt a
Sp^ll Commis-
sion to issue
for Tryall of
the Ship
Charles of
Topsham &c^a

Maryland: ss

Came Richard Basse Mast^r of the Ship Charles of Topsham and preferred unto his Ex^{cy} the Govern^r a certain petition (the hon^{ble} S^r Thomas Laurence Baron^t Secry^r being the only p^rson of his Ma^{ty} hon^{ble} Councill then p^rsent, by reason of bad weather,

Lib. H. D. and their living so remote, except his hon^r Coll: Greenberry
 Whitehall who is much indisposed and very lame of the gout, therefore
 more of his Ma^{ty} hon^{ble} Councill could not possibly in any
 reasonable time be got together) setting forth that his s^d
 Ship had been lately seized by M^r Tho^s Collyer through the
 information of one Gabriell Parrot for importing Goods con-
 trary to the Act of Parliam^t & being an unfree bottom &^u
 therefore humbly prayed a Speciall Commission might issue
 for Tryall of the s^d supposed breaches whereby a Speedy end
 might be put thereto, as by the s^d Petition recourse being
 thereunto had may more at large Appear His Ex^{ty} (by Ad-
 vice) was pleased to Ord^r thereon as it is hereby Ordered
 that the s^d petition be Referred to M^r Attorney & Sollicito^r
 Gen^l and M^r Robert Goulesborough his Ma^{ty} Councill at Law
 for them Severally to make a Speedy Report thereon whether
 such a Commission may legally issue; And it is hereby further
 Considered and Ordered th^t if in Case they or any two of them
 are of Opinion th^t such Commission may legally be Granted,
 That then a Commission do accordingly issue forth of the
 hon^{ble} the Secretary's Office, according to Usual Custom &
 fform, hereby Constituting & appointing Maj^r John Hamond,
 Cap^t Richard Hill, Cap^t Thomas Tasker, M^r Philip Hoskins,
 M^r Thomas Staley & M^r Will^m Hatton or any three of them
 to be Commission^{rs} & Justices for the s^d End and purpose to
 hear and determine the s^d Matter, provided one of the two
 first mentiond be alwaies p^rsent And that M^r Attorney &
 Sollicito^r Gen^l do ascertain the time, for the Speedy bringing
 her to Tryall so th^t the s^d Commission^{rs} may meet & sit at
 the Port of Annapolis for the s^d End and purpose some time
 this month, which his Ex^{ty} is in hopes may be Effectuated by the
 20th instant if bad wether or some other unavoidable Accident
 hinder not, it being deemed that the same will Conduce most
 to his Ma^{ty} Service & benefit of the parties concern'd; And
 for the more quick Expedition of the matter it is hereby
 further Ordered that they or either of them insert the time of
 the Justices meeting to Sit in the blank Summons for that
 End & purpose issued by Ord^r forth of the (hon^{ble} the Secre-
 tary's Office herewith sent and that they take Care to dispatch
 the same away according as they are Severally directed to the
 End the s^d Justices may have due & Speedy Notice given
 them; And lastly the s^d M^r Attorney and Sollicito^r Gen^l are
 hereby Expressly Ordered to make ready and due comply-
 ance herein & give their timely attendance here in Ord^r to
 prosecuting on his Ma^{ty} behalfe & preparing all things ready
 for the s^d Tryall.

His Ex^{ty} is pleased to demand of M^r Carroll, who was sent
 for, being of Councill for the Pet^r whether he could advise of

any more expeditious way; for the Service of his Ma^{ty} and Lib. H. D.
benefit of the Parties concernd whereby the s^d Ship might be
brought to tryall, who makes answer he can not. p. 448

The s^d Petition and Kings Lawyers Report Severally thereon
indorsed follow in these Words Viz^t

To his Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l & Govern^r
of Maryl.

The humble Peticōn of Richard Bass Master of the Ship
Charles of Topsham now Riding in South River & under
Seizure for some supposed breaches ag^t the Acts of Trade
and Navigation.

Pet. of Sheweth that the s^d Ship upon the 30th day of
Rich^d Bass December last was Seized by Thomas Collyer an Whitehall
abt Ship Officer und^r yo^r Ex^{ncy} and that by information of one
Charles of Gabriell Parrot that She has brought in some goods
Topsham contrary to Act of Parliam^t as alsoe (being an unfree
&ca bottom) that She is incapable of Trading into this Province;
the former of w^{ch} allegacōns is Utterly ffalse; and the latter as
yo^r Peticōn^r is advised, and is ready to make appear, in no
wise Sufficient to give yo^r Peticon^r this molestation.

That yo^r Petition^r lyes at great Charge, and if his s^d Ship
be not brought to a Speedy Tryall for the s^d Supposed
breaches, shall loose the opportunity of Sayling with the
Convoy whereby not only yo^r Petition^r Owners will be con-
siderable losers but likewise his Ma^{ty} loose at least the
Sume of 4000^l Sterl. w^{ch} will be his due for Custom upon
Landing her loading in Engl. wherefore

Yo^r Peticōn^r humbly Prays that in Consideracōn of the
P^rmisses yo^r Ex^{ncy} out of yo^r wonted goodness, and tenderness
to Traders as well as out of yo^r Zeal for promoteing his Ma^{ty}
interest will please to Appoint Speciall Commission^{rs} and that
with all the Speed yo^r Ex^{ncy} Can with Convenience for Tryall
of the s^d Supposed Breaches, that yo^r Peticon^r may know the
issue of the matter;

And as in Duty bound he will Pray
Richard Bass

Jan^{ry} the 5th 1696.

May it Please yo^r Ex^{ncy}

The Kings Ive read and perused the Statute of Westminster Whitehall
Lawy^{rs} Re- the Second, and my Lord Cokes comments thereon,
port thereon, and upon consideracōn of the whole, I am of
Opinion that a Commission of Oyer and Terminer cannot in
this Case be Granted.

Yo^r Ex^{ncy} humble Servant
R: Gouldesborough

Lib. H. D. Upon Consideracōn of the Statute & Comment afores^d and the Constant practice & Constitution of this Province Consonant to the Laws of England I am of Opinion that such a Commission as is prayed may be Granted & Executed in this Province I am
Yo^r Obedient Servant
W^m Dent

Jan^{ry} the 17th 1696/7.

p. 449 I am of Opinion that a Speciall Commission of Oyer and Terminer does well lye in this Case the same being Agreeable to Severall Commissions of this nature heretofore Granted upon such Occasions and alwaies allowed Legall.
Yo^r Ex^{ncys} Obedient Servant
George Plater

Jan^{ry} the 28th 1696.

The Commission approved off by Mr Attorney & Sollicitor Gen^{ll} &ca Produced accordingly unto his Ex^{ncy} (in the p^sence of the hon^{ble} S^r Thomas Laurence Barron['] Secretary no more of his ma^{ty} Councill being possibly to be got together) a Speciall Commission for Tryall of the aforementioned Ship (being the day appointed for Tryall) which was given to M^r Attorney and Sollicito^r Gen^{ll} for their perusall & Opinion thereon, the which being by them approved to be a legall & Warrantable Commission for the design intended was signed by his Ex^{ncy} and passed the Broad Seal of the Province.

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